

Richard Reinhardt
February, 2003

THE FIRST TO FALL

The first official fatality of the American Civil War was a young man named Daniel Hough, a private in the Union Army, who was killed in an accident -- a misfired gun salute -- several hours after the Confederate shelling of Fort Sumter, South Carolina, on April 14, 1861. Some historians, taking a longer view, have pointed out that the irreconcilable differences between North and South turned deadly with the terrorist activities of John Brown, the fanatic abolitionist, who was hanged on December 2, 1859.

In a sense, the first to fall in the war between the states was neither Hough nor Brown but a minor politician named David Broderick, the junior United States senator from the new state of California, who died in San Francisco in the midnight hours of September 16, 1859, from his wounds in a duel of honor with a Southern gentleman.

During his life, no one regarded David Broderick as a heroic martyr. Even his partisans saw him simply as a dedicated party boss -- Catholic, Irish, working-class, male, white and Democratic. He looked the perfect image of a precinct captain in an immigrant slum: thick-necked and broad-shouldered, withropy veins that stood up on his forearms, and the callused hands and knotty muscles of a stonemason. His eyes were pale blue, as hard as carbon steel. He carried on

Richard Robinson

February, 1900

THE FIRST VOYAGE

The first official history of the American Civil War was a young man named Daniel Rogers, a private in the Union Army, who was killed in an accident. His military gun salute of several hours after the Confederate shelling of Fort Sumter, South Carolina, on April 12, 1861. Some historians, taking a broader view, have pointed out that the irreconcilable differences between North and South began decades with the colonial activities of John Brown, the fanatic abolitionist, who was hanged on December 2, 1859. In a sense, the first to fall in the war between the states was neither North nor South, but a martyr politician named David Ericson, the former United States senator from the new state of California, who died in San Francisco in the midnight hours of September 15, 1850, from his wounds in a duel fought with a Southern gentleman. During his life, he one received David Ericson as a hero. Even his opponents saw him clearly as a dedicated public man - a patriot, first, working class, white and democratic. He looked the heroic image of a product of an immigrant strain: thick-necked and broad-shouldered, with heavy veins that stood up on his forehead, and the deep-set hands and knobby muscles of a strongman. His eyes were pale blue, as hard as carbon steel. He carried a

his skull a collection of scars (mostly hidden by his crisp black hair) which had been left there by the kiss of bricks and paving stones in combat in the alleys of the Bloody Old Sixth Ward of New York City. As a led of twenty-five, Broderick was on his way to being lord and master of every voting Irishman within the tolling of St. Patrick's bells. He hung out at the Ivy Green Saloon, commanded a company of volunteer firemen on Mott Street and ran the local system of pay-off and punishment for acts of good citizenship on behalf of Tammany Hall. His political philosophy was limited to the simple doctrine enunciated by William Marcy: "To the victor belong the spoils." His powers of oratory were blunt and brief.

"He was never a winsome speaker," one of his friends once said. "He just let his words fall sharp and cold, like cleavers."

Yet, when Broderick at last arrived at a position of national responsibility, a wonderful change came over him. His mind outgrew its shallow roots. He began to think and talk in terms of national concern. He became a spokesman for radical ideals and fierce emotions, a dangerous enemy of class privilege and plantation slavery. It was then that Broderick fell victim not only to his bitter rivals but also to his own ungovernable temper and hubristic pride.

Broderick was born in 1820 into the family of an Irish stone mason who was working on the construction of the national Capitol in Washington, D.C. Broderick saw his humble origin as evidence of the power of free laborers to rise out of their mudsills, while the slaves of the plantation system remained in chains. In his first important speech in the Senate, Broderick used this social argument against the admission of Kansas as state in which slavery would be permitted.

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Yet, when Broderick at last arrived at a position
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saw his native origin as evidence of the power of free
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slaves of the plantation system remained in chains, in
his first important speech in the Senate, Broderick
used this social argument against the admission of
Kansas as a state in which slavery would be permitted.

Looking around him in blazing pride, he said: "While I hold a seat here, I have but to look at the beautiful capitals adorning the pilasters that support the roof to be reminded of my father's talent and his handiwork."

After the job was done, Broderick's father, failing in strength, moved the family north to a tenement house in the Greenwich Village section of New York. David had a year or two of public school and some tutoring from Townsend Harris, the educational reformer of the day. At fourteen, he was apprenticed to his father's exhausting trade, but he soon was forced to quit by lung congestion and a chronic cough, the curse of stonemasons. A tavern keeper hired him to pump beer and mix rum punch. The Sons of Tammany took him on to work the neighborhood.

Before long, Broderick was running a tavern of his own. As foreman of the Howard fire company, he distinguished himself in get-out-the-vote drives and ham-handed fist fights. It followed naturally that he should run for elective office, which he did, abruptly, prematurely and disastrously, at age 26, as a Democratic candidate for Congress. The party vote was split among late-starters, and Broderick lost to a Whig. The shame of it almost ended him. In the great year of decision 1846, when America reached out and grabbed the rich prize of California from Mexico. Broderick was out of money, short of friends, and low in expectations. Nothing held him in place. He lived unmarried and alone: his mother, father, sister, and brother all had died. In one of his black moods, he was heard to say: "There's not another human being in whom a single drop of my blood courses."

Like thousands of other young men throughout the world, Broderick was tantalized by the sparse and

Looking around him in playing fields, he said, "While I
hold a seat here, I have not to look at the beautiful
cascades about the place, but I have to support the wall
to be reminded of my father's name and his
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After the job was done, Broderick's father,
having in strength, moved the family north to a
new home in the Greenway Village section of New
York. David had a year or two of public school and some
training from Townsend Harris, the educational reformer
of the day. In fourteen, he was apprenticed to his
father's expanding trade, but he soon was lured
west by long contracts and a chronic cough, the cause
of pneumonia. A partner-keeper hired him to work near
and the two partners, the sons of Tammany, took him on to
work the railroad.
Before long, Broderick was running a train of his
own. As foreman of the lowest line company, he
distinguished himself in several ways. First, he
furnished the train. It followed naturally that he
should run for elective office, which he did, amply,
generously and disinterestedly. At age 32, in a
Democratic candidate for Congress. The party vote was
split among LaFollette, and Broderick took a
win. The share of it almost ended him. In the next
year of election 1904, when America reached out and
grasped the rich prize of California from Mexico,
Broderick was out of money, short of friends, and low
in expectations. Nothing held him in place. He lived
unmarried and alone, his mother, father, sister, and
brother all had died. In one of his black moods, he was
heard to say: "There's not another human being in whom
a single drop of my blood courses."
Like thousands of other young men throughout the
world, Broderick was captivated by the sears and

conflicting reports of wealth and opportunity in the newly won territory on the Pacific Coast. He began to save and borrow and talk to his firehouse buddies about migrating west. In the summer of 1849, at the height of the California madness, Broderick gave in to the urge.

On the day he left, a gang from the fire-house came down to the pier to see him off. One of them asked: "When will you be coming back, Chief?" Broderick answered (according to a frequently repeated but not true report): "When I am elected United States Senator from California."

More than two months later, the future senator dragged himself ashore in San Francisco, penniless and half-dead of "Panama fever," too weak to hunt for gold. Wisely, he chose to skip the summer dig. It probably have killed him, as it killed so many other Forty-Niners. Instead, he and a friend named Fred Kohler, a member of Broderick's fire company back home, bought themselves some balance scales, retorts and crucibles and set up a smeltery near the waterfront. In this private mint, they cast and sold rectangular gold ingots known as "dobies," after the adobe bricks that were the primary building blocks of Spanish California. A customer who brought in \$10 worth of gold dust received in return a "dobie" containing \$8 in solid gold. The lost weight was payment to the mint, like the "points" a bank charges in making a loan. This form of short-weighting was an accepted business practice -- not, as is sometimes assumed, an evidence of Broderick's inherent corruption.

Before long, Broderick was buying real estate and water-lots, building houses, and accumulating cash with which to fuel his own political machine. He found ample manpower to establish a West Coast replica of the New York style of political persuasion. In every saloon

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...niners. Instead, he and a friend named Fred Kohler, a ...
...member of Broderick's law company back home, bought ...
...themselves some mining claims, veins and prospects ...
...and set up a machinery near the waterhole. In this ...
...private mine, they cast and sold gold and silver coins.

Broderick knew as "bobber," after the gold strike that ...
...were the primary building blocks of Spanish California. ...
...A character who brought in 800 worth of gold dust ...
...received in return a "bobber" containing 80 in solid ...
...gold. The lost weight was payment to the mine, like the ...
..."bobber" a gold coin in Mexican form. This form of ...
...gold-weighing was an accepted business practice at ...
...not, as he sometimes assumed, an evidence of ...

Broderick's inherent conservatism. ...
...Before long, Broderick was buying land, cattle and ...
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...which to fuel his own political machine. He found ample ...
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...for style of political persuasion. In every season

along Montgomery Street, you ran across the good old crowd of prize fighters and ward-heelers who used to raise a glass at Malachi Fallon's bar on Elm Street and ran with the en-jines of the Howards and the Red Rovers and the rest.

There was Malachi Fallon himself, promoted by election, appointment or other questionable device to police marshal of this rough little town, which deeply needed him. There was Tom Cunningham, the former coroner of Manhattan, who once had been accused of stuffing stones in coffins and charging the People of New York for their burial; and Billy Carr, known also as the King of the Wharf Rats; and Billy Mulligan, of bare-knuckle boxing fame, who ultimately got the job of jailer on that day in 1856 when the Vigilantes whisked James Casey and Charles Cora out of custody and strung them from a cargo beam; and poor old Yankee Sullivan, who'd once gone seventeen minutes and eighteen seconds against the reigning heavyweight champion, but who now required uncounted shots of rye each day to keep the demons out of his head (and who, when taken prisoner by the Vigilance, succumbed to despair and hammered a spike into his own skull.)

Broderick, rich as he was, remained a part of the gang, but he was a sober one, a frugal bachelor. The money he might have spent for comfort went instead to creating sentiment and seeking access to the flow of federal patronage jobs. He paid for the cost of his own campaigns, bought the support of newspapers, the favors of office-holders, the votes of old friends, new arrivals and sailors off ships. To hold down his expenses, he boarded at the home of Tom Maguire and his missus -- the very Maguire who used to be a hackney driver and a bar-keep in New York, and who suddenly was the theatrical impresario of the Pacific Coast, the

along Broadway Street, you can across the road to
crowd of prize fighters and ward-healers who used to
raise a place at Madison Ballon's bar on Elm Street and
ran with the fortunes of the Howards and the Red Howards
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There was Michael Fallon himself, crowded by
election, appointment or other questionable device to
police marshal of this rough little town, which deeply
needed him. There was Tom Cunningham, the former
corner of Manhattan, who once had been accused of
strutting stones in coffee and charging the people of
New York for their profits, and Billy Carr, known also
as the King of the White House and Billy Mulligan, of
Berkshire's boxing fame, who ultimately got the job of
galler on that day in 1870 when the Vigilantes attacked
James Casey and Charles Corbett of Ontario, and struck
them from a canyon beam, and poor old Yankee Sullivan,
who had done some seventeen minutes and eighteen seconds
against the reigning heavyweight champion, but who now
remained uncrowned about of the day to keep the
town out of his head and who, when taken prisoner by
the vigilantes, succumbed to despair and hanged a
like into his own skull.

Federick, when he was remained apart of the
gang, but he was a sober one, a trust-reliant. The
money he should have spent for comfort went instead to
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Federal patronage jobs. He paid for the cost of his own
capitals, bought the support of newspapers, the favors
of office-holders, the votes of old friends, new
criminals and notorious salaried sold down his
expenses, he lodged at the home of Tom Ladore and his
Alaska -- the very Madison who used to be a partner
driver and a bar-keep in New York, and who suddenly was
the theatrical impression of the Pacific Coast. His

owner of the Bush Street Music Hall and the Jenny Lind Theatre on the Plaza.

Broderick himself had no time for theater, of course. Within a few months, he formed his own fire company, named it the Empire Fire Company (what else?) and began enrolling old friends from Back East - his business partner Fred Kohler, Dave Scannell, George Greene, "Dutch Charley" Duane. They ordered a miniature hand pump to be shipped around Cape Horn, and named it "Martin Van Buren," after the foxy little regent of Albany, who was said to have used that very pump to draw water from the Hudson River to irrigate the garden of his place at Kinderhook.

Whenever the firebell clanged outside the door of Empire Company No. 1, the crew of expatriate New Yorkers would drag their little hand pump through the unpaved streets, racing other companies for the honor of throwing the first water and the distinction of shooting the longest, highest stream. To draw water from the bay, all the pumps of all the companies were strung together on linked hoses. The object was to pump so hard that you caused the tank upstream from you to overflow. A crew whose tank had flooded out was said to have been "washed," a humiliation to the firemen and a discredit of their manhood. An engine that had never been washed was termed a "virgin"; one that had retained its virginity against repeated assaults was proudly known as an "old maid." Bad cess to the gang that washed a virgin! The losers would strike back by chopping the hoses of the winners, overturning their engine, bombarding them with bricks and stones and stomping into their favorite saloon to fight them, man-to-man.

All this joyful mayhem was imported to California by the firemen from Back East, as deep-dyed as their

owner of the East Street Hotel and the Jerry Lind
residence on the Plaza.
Lindrick himself had no use for the
course. Within a few months he joined his own
company, named it the Pacific Life Company (what else?)
and began enrolling old friends from East Street
business partner Fred Kohler, Dave Samuels, George
Green, "Burr" Charley, James. They ordered a minister
and had to be shipped, around Cape Horn, and named it
"Martin Van Buren" after the boy's father.
Albany, who was said to have seen that very pump
then water from the tap, answered to surprise the partner
of his place at Lindrick's.
Whenever the fireball changed outside the door of
Pacific Company No. 1, the crew of expropriated
Yokohama would grab their little hand pump, carrying
unwashed streets, fracturing other companies for the honor
of throwing the first water and the distraction of
shooting the longest, lightest stream. To draw water
from the bay, all the pumps of all the companies were
standing together on linked hoses. The objects to be pump
so hard that you could see the faintest steam from the
overhead. A crew whose tank had flooded out was said to
have been "washed" a punishment to the line, and a
discredit of their rank. An engine that had never
been washed was termed a "virgin"; one that had
retained its virginity against repeated assaults was
proudly known as an "old maid." Bad cars to the pump
that washed a virgin, the loser would strike back by
chopping the head of the winner, overturning the
engine, bombarding them with bricks and stones and
stomping into their favorite saloon to drink beer, tan-
toasted.
All this potent mayhem was reported to California
by the firemen from Back Bay, as described as their

taste for snuff and rum, raw oysters, bull-head breakfasts and deep-dish apple pies. In the fashion of New York, they named their companies the Knickerbockers, the Columbia, the Big Six, Lafayette, Young America, Protection, Lady Washington, and Tiger. In the fashion of New York, Broderick's Empires formed a target-shooting company - one hundred and fifty muskets, white gloves, plumed hats, red shirts, and galluses with the number and insignia of their fraternity emblazoned on the back. They had an engine house, a banner, a motto, a mascot, a grudge. On anniversaries, joined by the Empire Company of Oakland (a neighbor-town across the bay that egotistically called itself "The Brooklyn of the West"), they would march along the plank road to Russ Gardens, while Kendall's Brass Band played military airs, and wet the whistle with the Russes' lager beer.

(That, too, was a tradition from the East Coast, where the term "visiting firemen" originated on a summer day in 1842 when several thousand pumpers from as far away as Baltimore marched into New York City to celebrate the arrival of water from the Croton Reservoir. It has been said that not a one of them allowed a single drop of the tasteless, odorless, colorless, transparent stuff to pass his lips.)

Out at Russ Gardens, midway through the afternoon, the Empires would sit down to a heavy dinner and innumerable toasts: To the President! The Governor! The Firemen of the Pacific Coast! The Firemen of the World! The Women of California ("May we ever be deemed worthy of their approving smiles")! The Oakland Empires hoisted a flag emblazoned with the words "As Steadfast As Our Oaks," which had been embroidered for them by certain of the ladies of the town. Then, there would be a sudden change of mood: a silent toast uplifted to

...and from raw oysters, bull-head
breakfast and late-dish apple pie. In the fashion of
New York, they named their companies the
Knickerbocker, the Colonial, the Big Six, Lafayette,
Young America, Protection, Lady Washington, and Liberty.
In the fashion of New York, Frederick's partners formed
a large-shouting company - one hundred and fifty
members, white gloves, pinned hats, red shirts, and
yellow with the number and initials of their
company embroidered on the back. They had an engine
house, a banner, a motor, a mascot, a guide, and
universities, joined by the Olympic company of Oakland
(a neighborhood across the bay that epistemically
called itself "The Brotherhood of the West"). They would
march along the plank road to Russ Gardens, while
Lendall's Brass Band played military airs, and with the
whistle with the Russian, later years.
That, too, was a tradition from the East Coast,
where the term "winter frozen" originated on a
summer day in 1842 when several thousand people from
as far away as Baltimore marched into New York City to
celebrate the arrival of water from the East.
Fascinating has been said that not a one of them
allowed a single drop of the rickish, coccolous,
colored, transparent stuff to pass his lips.
Out of Russ Gardens, midway through the afternoon,
the ladies would sit down to a heavy dinner and
ambrosial toast to the President, the Governor, the
Officers of the Pacific Coast, the Women of the World,
the Women of California ("May we ever be deemed worthy
of their approving smiles"). The Grand Ladies
hoisted a flag emblazoned with the words "No Presidential
Actor Gave," which had been embroidered for them by
certain of the ladies of the town. Then, their would
be a sudden change of mood: a silent toast would be

Our Departed Comrades. The Kendalls played a dirge. Next, three cheers and a tiger for the Chief of Engineers. And, finally, for themselves: "The Empires! May their suction last while the wine lasts! As for their water -- it will never give out!"

Up at head table sat First Foreman Broderick, cloaked amiable gloom, listening to the confessions and petitions of his firemen, one by one. Better than most men, Broderick understood the bonds that tied a fireman to his brotherhood. The firehouse entertained him, educated him, comforted him in his loneliness. It would even bury his body, if necessary, in this alien land. The fire company was his family; the chief, his powerful, indulgent and protective father. It was the chief who lent him money when he was broke, who found him an easy-going, well-paid job at the courthouse, the sheriff's office or the county jail, who told him how to vote, and where, and how often.

Once, when a fastidious acquaintance asked Broderick why, after achieving the prestige of public office, he continued to surround himself with thieves and ruffians, Broderick answered, scowling: "You respectable people I can't depend on. You won't go down and face the revolvers of those fellows who stuff ballot boxes and steal the tally-lists, so I have to take such material as I can get hold of."

Broderick' material was equally adept at carrying revolvers, stuffing ballot boxes and stealing tally-lists; but that sort of talent, in Broderick's opinion, was essential to balance the scales. Patronage, not principle, was at stake, and there were lively competitors.

Barely six months after stepping off the steamer from Panama, Broderick mounted his first campaign with a rousing display of brass bands and hand-painted

Our Departed Comrade, The Comrade played a distinguished part in the... level, three cheers and a tiger for the... Engineers, and finally for the... they felt action had while the... their water -- it will never give... The of head table sat First Foreman... checked amidst bloom, listening to the... position of his thirteen... men, Ribickick understood the... to his... educated that contained in the... even buy his body, if necessary, in... The fire company was his... powerful, intelligent and... chief who lost his money when he... him an easy-going, well-paid job at... shortly after the county jail, who... to vote, and where, and how often... Once, when a... Ribickick... office, he continued to... and... responsible people... and late the... ballot boxes and... this each... Ribickick... revolvers, stuffing ballot boxes and... list; but... was essential to... or... competitors... Finally six months after... from Kansas, Ribickick... a... of these...

banners. He was elected to the first session of the State Senate (known ever since as "the legislature of a thousand drinks,") by 2508 votes against a total of one hundred votes for a handful of opponents. Down in San Jose, which was enjoying its brief glory as the state capital, he emerged as a firebrand of the left - a Loco-foco Democrat, as they were called Back East, after the explosive sulfur matches they were said to resemble. He advocated universal suffrage and the distribution of public lands to the poor, defended the legal rights of foreign-born miners, and thwarted the repeated efforts of the Southerners in his own party to extend slavery into California.

Slavery was the issue that dominated California politics, but patronage was the prize. Through his strength in San Francisco and close alliance with the governor, Broderick controlled most of the state and local government jobs; but, to get at the federal goodies, he needed a voice in Washington.

For Broderick's was not the only dispensary of patronage in California. Chugging beside it, with its suction pipe reaching straight to Washington, was the machine of the South, built and operated by Dr. William McKendree Gwin: physician, lawyer, plantation-owner, one-time congressman, associate of Andy Jackson, slave-owner.

Senator Gwin, like Broderick, had come west in 1849 with clear intent. His intent was not to dig for gold but to supply the new territory with a class structure, (that of the patrician South,) an economic system (chattel slavery) and a leading statesman (himself.) Born in Tennessee, schooled in Mississippi in the Jacksonian style of patronage, he looked the aristocratic Southerner as surely as Broderick looked the Manhattan bar-keep. Gwin was tall and well set-up

General. He was elected to the first session of the
State Senate known ever since as the legislature of
thousand years, 1850. 2000 votes against a total of one
hundred votes for a handful of opponents. Down to San
Jose, which was enjoying the first glory as the state
capital, he emerged as a rival of the left - a
long-time Democrat, as they were called. Back East
after the explosive sulfur matches they were said to
resemble. He advocated universal suffrage and the
distribution of public lands to the poor, defended the
right of foreign-born miners, and limited the
repeated efforts of the southerners to his own party to
extend slavery into California.
Slavery was the issue that dominated California
politics; our patronage was the prize. Through his
strength in San Francisco and close alliance with the
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For Hoberick's was not the only discovery of
patronage in California. Changing fields, the white
section pipe reaching straight to Washington, was the
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McKenzie (win physician, lawyer, politician-warrior,
one-time congressman, associate of Andy Jackson, slave
owner).
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1849 with clear intent. His intent was not to dig for
gold but to supply the new territory with a class
structure, (not of the primitive South) an economic
system (capital slavery) and a leading citizen
(himself). Born in Tennessee, schooled in Mississippi
in the Jacksonian style of patronage, he looked the
archetypal southern as surely as Hoberick looked
the northern baroque. Gwin was tall and well set-up

-- six feet two, with a lion's mane of dove-gray hair brushed upward, like Andy Jackson's. He had luminous eyes, it was said; a beakish nose; a large, rather rigid mouth; and the self-confident, take-charge manner of a man assured of his own glorious destiny.

In short, Gwin was the perfect antithesis of David Broderick. Some historians, appalled and fascinated by the fatal clash between these two proud, stubborn men, have seen the whole discordant decade of the 1850s in California as a reflection - and perhaps even a result of - the personal rivalry of Broderick and Gwin.

Within a few weeks after climbing off the steamer from Panama, Gwin had offered his free services as a judge in a highly publicized criminal trial, paid calls on the local merchants, bankers and newspaper editors, and been elected a delegate to the State Constitutional Convention in Monterey. At that improbable gathering, he directed a 15-man Southern bloc that tried to stretch the boundaries of California eastward to encompass all that is now Nevada, Utah, and Arizona and much of New Mexico, Colorado, and Wyoming. The evident purpose of this was to create a state so large that it would have to be divided, later, on lines running east and west, producing several slave-holding states in the process. The plot failed; Gwin reluctantly accepted a free-soil constitution (based on that of Iowa); and the following year the State Legislature rewarded his statesmanship by electing him one of California's first two senators. (The other was John C. Fremont.) The idea was to balance the free-soiler Fremont with an inflexible pro-slaver, so that neither the Southern nor the Northern blocs in Congress would be inclined to oppose the admission of California.

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... California.

The tactic worked. California became the thirty-first state on September 9, 1850. Gwin went gleefully off to Washington, where he immediately began to pump the flow of patronage to California with such energy that the San Francisco Customs House soon was known as "The Virginia Poorhouse," a sort of West Coast welfare mission for genteel young men from the Tidewater. These elegant indigents, adorned with such proud family names as Randolph, Peachy, Calhoun and Botts, served admirably as dancing partners for the daughters and friends of Mrs. Gwin and Mrs. Coleman and the other Southern ladies in the parlors of Rincon Hill. They made themselves useful as principals or seconds in innumerable duels, and saw to it that the likes of Broderick and his Loco-focos did not get their grubby Irish hands into the federal pork barrel. The loyalty of the so-called Southern Chivalry - the "Chivs," as they were known -- to Senator Gwin was quite as energetic, mindless, and self-serving as that of Broderick's New York thugs to Un-smiling David. All of them on both sides called themselves Democrats, of course, although they were openly hostile to one another's ambitions and beliefs; but the workable division of federal and local patronage held the two factions temporarily in place.

To further threaten this shaky balance, the secretive, conspiratorial Know-Nothing Party, now entered California. Its reactionary anti-Catholic, anti-immigrant appeal attracted dissatisfied voters from both right and left. For Broderick and Gwin, half-way through their decade of divided power, this threatened to gnaw the Democratic Party to pieces.

Watch Broderick at work now, on a day in mid-July in 1854, at a Democratic convention in Sacramento, which has now become the capital. Fragmented as they

The tactic worked. California became the thirty-first state on September 9, 1850. Even went gleefully off to Washington, where he immediately began to pump the flow of patronage to California with such energy that the San Francisco Custom House soon was known as "the Virginia Warehouse," a sort of West Coast welfare mission for gentled young men from the Midwest. These elegant tributes, adorned with aristocratic family names as Randolph, Leach, Calhoun and Fort, arrived admiringly as dancing partners for the daughters and friends of Mrs. Gwin and Mrs. Coleman and the other Southern ladies in the parlors of Kincaid Hill. They made themselves useful as principals or seconds in fashionable duels, and saw to it that the likes of Frederick and his associates did not get their scrappy Irish hands into the federal pork barrel. The loyalty of the so-called Southern Whigs--the "Whigs," as they were known--to Senator Gwin was done as a matter of expediency, shrewdness and self-interest as that of Frederick's New York friends to Harrison Davis. All of them on both sides called themselves Democrats, of course, although they were openly hostile to one another's ambitions and beliefs, but the hostile division of federal and local patronage held the two factions temporarily in place.

To further threaten this shaky balance, the secretive, conspiratorial Know-Nothing Party, now entered California, the reactionary anti-Catholic anti-immigrant appeal attracted disaffected voters from both right and left. For Frederick and Gwin, the way through their decade of divided power, this threatened to pass the Democratic Party to pieces.

March Frederick set work now, on a day in mid-July in 1854, at a Democratic convention in Sacramento, which has now become the capital. Transmitted as they

are, the Democrats are still the largest, strongest party in the state. Control of the Democratic slate of candidates means control of the legislature, which elects the United States senator who -- ah ha! -- directs the flow of federal patronage.

Broderick and his men have come up-river from San Francisco on the overnight steamer, like a pharaoh and his court coming up from Alexandria to Thebes, slipping along by moonlight through the flat, Nilotic landscape, regaling themselves with gin slings, iced whiskey and stories of the death of kings. At dawn they noisily descend upon the steaming capital. The dusty streets of Sacramento, at this season, are above the level of the outlaw river and its winter floods; but nothing else in town is dry. Broderick, in a white suit stained with sweat, holds a morning levee in the saloon-bar of the Magnolia Hotel. He is momentarily out of office, never out of command. The word is out: Gwin and his Chivs are going to try and pack the hall. The instant they get control of the meeting, they will seat a Southern chairman and nominate a slate of pro-slavery candidates.

The convention is scheduled to gather that afternoon in a Baptist church on Fourth Street, a few blocks from the river. Shortly past midday, six hundred men are waiting to get inside. When the trustees of the church unbolt the doors, the whole mob shoulders through, curious spectators as well as delegates. They jam the pews, lean on the altar rail, dabble in the baptismal tank. Broderick comes in, breathless as a circuit-riding preacher, and occupies the pulpit. The friendly delegates begin to raise a great commotion, cheering and throwing hats; but Broderick, looking around, sees trouble. He recognizes the faces of his enemies in number equal to his

are the Democrats and still the largest, strongest party in the state, control of the Democratic state of candidates means control of the legislature, which elected the United States senator who -- the -- directs the flow of federal patronage --

Broderick and his men have come up river from San Francisco on the overnight steamer, like a parish and the boat coming up from Alexandria to Thebes, as depicted along by word, and through the flat, infertile landscape, reaching themselves with the black, lead wharves and shores of the delta of Kings, as down they coastly descend upon the steaming capital, the streets of Sacramento, at this season, and above the level of the outflow river and the water flood, but nothing else in town is dry, and water, like white soil stained with sweet, holds a moving level in the saloon-bar of the Masonic hotel. He is momentarily out of office, never out of command. The word is out, and he and his men are going to try and pack the hall, the last of the year, control of the session, they will seat a Southern chairman and nominate a state of pro-slavery candidates.

The convention is scheduled to gather that afternoon in a hall on Fourth Street, a few blocks from the river. Shortly past midday, six hundred men are waiting to get inside, when the process of admission begins. The door, the whole mob shoulders through, curious spectators as well as delegates. They fan the party, fan on the altar, fall, dabble in the baptismal tank. Broderick comes in, identified as a circuit-riding preacher, and occupies the pulpit, the newly-elected begin to raise a great commotion, shouting and throwing hats, but Broderick, looking around, sees trouble. He recognizes the faces of his enemies in number equal to his

friends. Up at the railing of the sacristy is Judge David Terry, huge and pock-faced and overbearing, as ugly and as smart as Satan; near him, John McDougall, late of Virginia and, until recently, the Governor of California; and with them, scores of those impoverished, customs-house Randolphins, Calhouns, Bottses, and Peachys. They stare back at Broderick with the arrogance of fear and contempt, detesting his firehouse vulgarity, his Bowery playmates, his Roman Catholic religion, his vengeful Irish temperament. They look on this day's adventure as a test of manliness, a sort of duel without pistols.

As president pro tem of the convention, Broderick has leverage to name the permanent chairman. He gavels the crowd to an instant of silence and calls on Ted Vermuele of Bakersfield.

(Ted has advanced, if not reformed, since the good old days in the Los Angeles company of Colonel Jonathan Drake Stevenson's Regiment of New York Volunteers. It was during that merry interlude of army occupation that Ted got drunk on stolen *aquadiante*; called his landlord, Abel Stearns, a pimp; and went absent-without-leave to pan for gold. Ted is now a member of the upper house, the Senate of the State of California.)

Before Senator Ted can open his mouth, however, up jumps one Johnny O'Meara, a pamphlet-writer of the Gwin persuasion, bellowing: "I nominate former Governor McDougall!"

Broderick ignores this rude interruption, and Ted Vermuele proceeds to place before the worthy delegates the name of that pillar of rectitude, the pride of San Francisco's Empire Engine Company No. 1, the Honorable Judge Edward M. McGowan, a sometime

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member of the elite Eastern establishment informally known as the Philadelphia Gas Ring.

McGowan, a good-time guy with a droopy gray mustache and a criminal record, is known as a crafter of light verse. One of his creations goes:

*A little stealing is a dangerous part
But stealing greatly is a noble art;
It's mean to rob a hen roost of a hen
But stealing millions makes us gentlemen.*

Stone-deaf to further nominations, Broderick puts McGowan's name to the question, and with a quick whap of the gavel declares him duly elected. McGowan steps up, smiling, followed immediately by the champion of the South, former Governor McDougall, who is carried forward like a piece of flotsam on a wave of yowling Gwinites. During the shoving and jostling, somebody fires a pistol, breaking a couple of stained-glass panes, and several faint-hearted delegates leap out the windows, fifteen feet to the ground.

McDougall and McGowan, Chivalry and Locofoco, take their places side-by-side on the dais. Each of them, surrounded by his own cheering crowd, begins appointing vice presidents, secretaries, and committees. Broderick, too, holds his position. He is on the rostrum, with his thick, stonemason arms folded on his chest and a couple of plug-uglies from Pacific Street on either side. How the Chivs despise that utterly uncharming, uncouth, unyielding, unenlightened Mick!

For six hours, the Democratic State Convention sits in double-headed session, doing nothing. The pastor of the congregation peeks inside and pleads with them to leave the church "and never enter it again as politicians." No one leaves. Broderick is conversing with his buddies, one at a time. There are no smiles --

member of the elite Eastern establishment informally known as the "Inner Circle" (the "Inner Circle" is known as a group of young men, one of his closest friends, a little earlier in a newspaper article, but receiving credit as a noble and it's meant to be a non-look of a new But certain military makes its presence known - Stone-bridge further nomination, Broderick has McGowan's name to the question and with a quick look of the great desires the only elected McGowan steps up, smiling, followed immediately by the champion of the South, former Governor McComb, who is carried forward like a piece of driftwood on a wave of popular opinion. During the moving and looking, somebody types a plot, breaking a couple of stained-glass panes, and several first-class delegates leap out the window, fifteen feet to the ground.

McComb and McGowan, Chavira and Broderick, take their places side-by-side on the dais, each of them, announced by his own cheered crowd, begins speaking with president, secretary, and treasurer. Broderick, too, holds his position. He is on the platform with the third speaker and slides on his chest and a couple of girls-wives from the street on either side. Now the Chavira despite that utterly magnificent, unobscured, unyielding, unshuffled

for six hours the Democratic State Convention sits in double-headed session, being called. The pastor of the congregation gives the last and best wish to leave the church, "and never enter it again as a politician." No one leaves. Broderick is conversing with his father, one at a time. There are no smiles -

he's not the sort to deal out pleasantries, not Broderick, and nothing makes him laugh. Broderick's power over other men is in his concentration of attention, the sense one gets of having caught his total mind and heart.

"Do not let Broderick shake your hand, look in your eyes and talk to you for a quarter of an hour," his friends say, "or he will hoodoo you, and you will be his slave for life." Broderick's brain is an album of political memoranda: accounts receivable and charges payable, I.O.U.'s and U.O.Me's. He is leafing through the album now, and counting. The Chivs are counting and remembering, too.

At dusk it is discovered that the trustees of the church have hidden the lamps in hope that darkness will disperse these madmen. Somebody goes and finds a candle for each of the chairmen, and they sit there in the feeble light, hungry and glowering, until nine o'clock. At last some diplomat -- not Broderick, you may be sure, for he would sit all night without yielding an inch -- suggests a compromise. It is simply this: both factions will disband at the same moment and without adjournment. To forestall treachery, they will leave the church together, marching out in pairs like Noah's animals. First go the rival chairmen, side by side; then each set of officers, linked arm-in-arm; and, finally, the opposing delegates, paired off.

The instant this parade has passed, the trustees of the Baptist congregation rush in and slam and lock the doors and turn back wearily to count the broken chairs and shattered windows.

(A few years later, the Union Party will stage an even worse affair in Sacramento -- delegates whacking at each other's heads with pistol butts, ink stands and spittoons -- but by then the Baptists will

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...and nothing makes his...
...power over other...
...attention, the sense...
...total mind and heart:

"Do not let Frederick...
...your eyes and talk to you...
...his friends say,"...
...be his slave for life,"...
...of political movements...
...psychic, I.O.U.'s and...
...the alpha now, but...
...remembering, too.

...to be discovered...
...church have hidden...
...distance these...
...for each of the...
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...will

have learned to bar their doors to bifurcated political parties, and the damages of the conclave will fall, instead, upon the Methodists.)

Next day, the rival Democratic factions meet in separate sessions. They assess themselves for reparations to the church and nominate opposing slates of candidates. There will now be two "official" Democratic tickets, the Broderick ticket and the Breckenridge ticket, pledged, in effect, to the Kentucky congressman John Breckenridge, who was later to be Buchanan's pro-slavery vice president. The Democratic Party of California, under the polar stars of Broderick and Gwin, has finally broken in two, just as the national party within a few years is destined to do. California, as it often does, has provided a glimpse of the American future.

One of the most peculiar periods of California's peculiar political history followed the Double-Headed Convention. There were two Democratic tickets, two platforms, two separate campaigns in 1854. Both Broderick and Gwin lost ground. The dying Whig party gained some momentary representation, but the chief advantage went to the militant Know-Nothings, who welcomed defectors from the Chivs and even from Broderick into their lodges and wigwams. Broderick also suffered from the municipal cleansing of the San Francisco Vigilance Committee of 1856. The Vigilantes were deeply tainted with the anti-Irish-Catholic bias of the Know-Nothings. They summoned Broderick for questioning, considered arresting him and drove a number of his faithful supporters out of the city without much discussion of civil rights or legal procedure.

These reverses brought the shattered Democrats together in one last moment of healing. Broderick

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One of the most peculiar periods of California's peculiar political history followed the 1850s. In 1850, there were two Democratic tickets, two tickets, two separate campaigns in 1850. Both Broderick and Swain lost ground, the dying Whig party gained some temporary representation, but the chief advance went to the William Know-Nothing, who welcomed delegates from the Christian and even from Broderick into their lodges and welcomed Broderick also suffered from the national cleansing of the San Francisco Vigilance Committee of 1850. The Vigilantes were deeply tainted with the anti-French-Catholic bias of the Know-Nothings. They removed Broderick from questioning, considered attacking him and drove a number of his faithful supporters out of the city without much discussion of civil rights or legal procedure.

These reverses brought the scattered Democrats together in one last resort of health, Broderick

rallied his men in the state legislature to elect him to a six-year term as United States Senator, and then engineered the election of none other than Doctor Gwin to the short term seat. The price Gwin paid was to hand over to Broderick the rewarding task of directing federal patronage to California. Gwin publicly revealed their agreement in a five-paragraph "open letter" to the newspapers. He thanked Broderick and his friends for their support, without which he could not have been elected.

[In an authoritative political biography of Broderick, the historian David A. Williams points out that the monopoly of patronage, broken at last by Broderick, had given great political power to a group who deeply believed that the society of the slave-holding South was superior to the liberal capitalism of the north. "Placing the power of federal patronage in the hands of the Chivalry strengthened its attempt to stay the clock and forestall the demise of the sick society of slavery..The conflict in California mirrored a similar battle on the national stage."]

Broderick could not bind President James Buchanan to honor his pact with Gwin. The Pennsylvania Democrat, who purported to speak for "national interests" showed his pro-Southern sympathies by endorsing the Supreme Court's notorious Dred Scott decision and pushing for the admission of Kansas under a provision -- the Lecompton Constitution --that would have legalized slavery in that passionately free territory. One by one, he rejected Broderick's nominees.

Thwarted in Washington, Broderick faced another fight for party control in California against the Southern faction. They now styled themselves Lecompton Democrats. That simply meant they favored the preservation and extension of slavery by any means. The

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the admission of Kansas under a pro-slavery -- the
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slavery in that practically free territory. But by
one, reflected Frederick's honesty.

Written in Washington, Frederick faced another
fight for party control in California against the
Southern faction. They now styled themselves Jefferson
Democrats. That simply meant they favored the
preservation and extension of slavery by any means. The

campaign of 1859 turned out to be the ugliest, most slanderous, most violent in California history up to that time - perhaps the worst ever. Gwin and Broderick stumped the state, insulting each other. The nascent Republicans and residual Know-Nothings snarled like jackals among the wreckage, devouring stragglers. And, at the end, Broderick was maneuvered into a duel of honor that took his life.

Everyone in California knew that dueling was illegal, but many felt bound by its irrational, medieval rules. It was a rare officer, editor, or politician who had not looked down the barrel of an opponent's pistol at forty paces.

[Lieutenant Bonnycastle, of Stevenson's Volunteers, had lost a finger in a shootout with Frank Teschmacher, a one-time mayor of San Francisco. Lieutenant Edward Gilbert, the first editor of San Francisco's first important newspaper, the Alta California, lost his life to John Denver (for whom the capital of Colorado is named) in a contention over a libelous publication. Senator Gwin and Congressman Joseph McCorkle, of the Broderick camp, had shot out their differences on one occasion, without drawing blood, while John Nugent, the editor of the San Francisco Herald, lived to tangle repeatedly with city officials: with Alderman Cotter in '52, Alderman Hayes in '53, and so on. Colonel E.J.C. "Alphabet" Kewen, later of Pasadena, dispatched Colonel Devereaux J. Woodlief, of Virginia and Texas, with a rifle bullet through the heart; and one Colonel Walters, another impetuous Southerner, did the same to his former friend Dr. Whiteman, of Georgia, because the doctor, in moment of ghoulish mischief, had tucked the corpse of a child - a Negro girl, at that -- into the colonel's bed.]

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 Kaine, another important supporter, and the same to
 his former friend Dr. Whitman, of Georgia, because the
 doctor, in a moment of unbridled misanthropy, had tucked the
 corpse of a noble - a noble girl, or that - among the
 Colonel's bed.]

Broderick, too, had shown that he could be drawn to the field of honor. It had happened several years before, after an exchange of now-forgotten insults with one Caleb W. Smith, a son of Governor "Extra Billy" Smith of Virginia. Broderick, against the advice of his few sane friends, accepted Smith's challenge to settle accounts with heavy revolvers at ten paces in an oak grove on the east shore of San Francisco Bay.

The reaction of Broderick's firehouse gang to this confrontation was enthusiastic, verging on rapture. After an evening of tavern stops, the gang rounded up every Whitehall row boat in the harbor and set out for Oakland at one a.m. through a fog as thick as milk punch. Before long, most of the boats ran aground on the shoals of Goat Island, half-way across the bay. The passengers sat there for an hour or so, shouting bets back and forth, bellowing "Ship ahoy!" and firing pistols, one of which found its mark in the backside of a boatman. The occupants of Dutch Charley Duane's boat finally drew lots for the duty of stripping down and towing the boat across the mud flats to solid ground. Dutch Charley pulled the short straw, and his friends tumbled him into the bay. Dutch Charley took his dunking in the high spirits of the occasion. He dragged the craft ashore a mile south of the destination, bathed superficially in a hole scooped out of the tidal muck, and marched on again with undiminished gusto.

By dawn, two large crowds of men, well-juiced and water-soaked, had assembled in a pasture that is now downtown Oakland, a perfect setting for a dangerous and illegal test of honor. Mist was rising from the swamps. Cows were lowing. Blackbirds swooped and sang on San Antonio Creek. The duelists scowled at one another across a stretch of soggy grass. Broderick drew aside

yesterday, took had shown that he would be drawn
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 one called A. Smith, a son of Governor "Ezra Smith."
 Smith of Virginia, Bradford, signed the name of
 his law firm friends, accepted Smith's challenge for
 a social occasion with heavy reversals of fortunes in an
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 The reaction of Bradford's friends was to this
 confrontation was enthusiastic, various on various
 after an evening of heavy food, the party rounded up
 every available row boat in the harbor and set out for
 Oakland at one a.m. through a fog as thick as milk.
 Much before long, most of the boats had returned to
 the shores of Fort Island, half-way across the bay. The
 passengers had there for an hour or so, awaiting their
 back and forth, followed "ship ahoy" and firing
 a salute, one of which found its mark in the forehead of
 a boatman. The occupant of Dutch Charley Owen's boat
 finally crew left for the duty of shipping up down and
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 Owen Charley pulled the short oars, and his friends
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 across a stretch of soggy grass. Bismarck drew again

his second, a fireman magnificently named Vicisimus Turner, and handed over a heavy, gold-cased watch that the Red Rover Engine Company had given him when he left New York. Vicisimus Turner shook his head.

"Put it back in your pocket," Turner said. "If you are shot, Broderick, die like a gentleman."

The duelists fired three shots apiece. Broderick's watch, which caught the second of Smith's bullets, was the only casualty. Both gentlemen declared themselves satisfied. The crowd hiked up to the Estudillo Ranch at San Leandro for a substantial breakfast, then rented horses and rode back around the south end of the Bay, by way of San Jose, to San Francisco. The trip took several days, with stops to eat and drink, stretch and talk. Nearly everyone regarded the outing as an immense social and cultural success, and Broderick's gold watch was the talk of San Francisco.

But a gun duel with Supreme Court Chief Justice David Terry -- that was a quite different matter. No one could look upon a duel with Terry as a social event. Terry stood six-three and weighed 250 pounds. "Hot-tempered" was the most polite description of his personality. He habitually carried, and regularly used, a nine-inch Bowie knife.

The Honorable Mr. Terry also was the most intransigent of all the Chiv Democrats. Although he had defected to the Know-Nothing Party just after the frustrating, two-headed Democratic Convention in Sacramento, he did so, apparently, in hope that the Know-Nothings would have more success than the Democrats in extending slavery to California.

Now, in the summer of 1859, having reached the position of chief justice of the supreme court of California, Terry turned Democrat again and went into action as an articulate spokesman for the pro-slavery,

his second, a former wagoner named William Turner, and handed over a heavy gold-crested watch that the Red Rover Trading Company had given him when he left New York. William Turner shook his head.

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ascertained the crowd picked up the scattered rancher and headed for a substantial breakfast, then turned

horses and rode back toward the south end of the bay by way of San Jose, to San Francisco. The trip took

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Democrats in extending slavery to California. Now, in the summer of 1857, having reached the

position of chief justice of the supreme court of California, Terry turned toward the west and went into action as an articulate spokesman for the pro-slavery

Lecompton wing. He showed up at the Democratic party convention, which was dominated by anti-Lecompton, Broderick men, and asked their support for his re-nomination to the court. When they turned him down, Terry sprang to his feet, huge and crimson with fury, and railed at these partisans who called themselves Stephen Douglas Democrats, "a miserable remnant of a faction without principles."

"They belong heart and soul, body and breeches to David C. Broderick, of whom they are ashamed. They say they follow the leadership of Douglas, but that gallant gentleman has nothing in common with them. Perhaps I am mistaken in saying they do not follow Douglas -- but it is the black Douglass whose banner they uphold, and his name is Frederick, not Stephen."

Broderick has not been at the convention. A few days later, in the breakfast room of his San Francisco hotel, he read the word's of Terry's outburst in the morning paper. Gwin and others had said worse about him, but Broderick was tired and touchy. He raised his voice and faced across the room, toward Terry's good friend and former law partner, a British-born Texan named Duncan Perley.

"Terry, the damned dirty miserable wretch, after being kicked out of the Lecompton convention, proceeded to abuse me," Broderick said. He glared directly and deliberately Perley. "I once said that the damned miserable wretch was the only honest member of a corrupt supreme court, but I take it all back. He is as bad as the rest."

Perley, a Southern gentleman in his own right, stood up and stared at Broderick.

"I shall inform the judge of the language you have used concerning him."

"I wish you to do so," Broderick said.

became a party. He showed up at the Democratic party convention, which was dominated by anti-Democrats, Broderick and asked them to support his re-election to the office. When they turned him down, Terry spoke to his staff, huge and crowded with party and called all these partisans who called themselves "Progressive Democrats," a miserable remnant of a faction without principles.

"They belong here and seem to belong here," David C. Broderick, of whom they are ashamed. They say they follow the leadership of Douglas, but that Douglas' gentleman has nothing in common with them. Douglas is mistaken in saying they do not follow Douglas - that is the black Douglas whom they follow, and his name is Frederick, not Douglas.

Broderick has not been at the convention. A few days later, in the breakfast room of the San Francisco hotel, he read the words of Terry's editorial in the morning paper. With and others had said words about him, but Broderick was tired and fussy. He raised his voice and took across the room, toward Terry's good friend and former law partner, a British-born Texan named Duncan Bailey.

"Terry, the damned dirty miserable wretch, also being kicked out of the convention convention, proceeded to abuse me," Broderick said. He glared directly and deliberately at Terry. "I once said that the damned miserable wretch was the only honest member of a corrupt Supreme Court, but I take it all back. He is as bad as the rest."

Bailey, a Southern gentleman in his own right, stood up and stared at Broderick. "I shall inform the judge of the temperance you have used concerning him." "I wish you to do so," Broderick said.

"I cannot allow such language about him to be used in my hearing, and you shall not use it," Perley said, clearly intending this to be a challenge. Broderick turned away.

That afternoon, Perley delivered a written challenge. Broderick refused it, saying he had not offended anyone but Terry. In any case, he would fight no duels until the current campaign was over. The inference was that the challenge must come from Terry, himself, not from a man below him in political or social rank. In early September, just after the last ballots for governor had been counted, Terry sent Broderick a formal challenge. This time, Broderick accepted.

Few San Franciscans suspected that two of their most prominent and rivalrous politicians were facing a duel. The morning after Terry's challenge, however, the Bulletin reported incorrectly that Senator Broderick had been challenged by Senator Gwin, but the truth behind the rumor spread quickly. Broderick and Terry went into hiding to escape arrest. Terry spent the weekend out of town. Broderick stayed with Leonidas Haskell, one of his faithful, at Black Point, on the north shore of the city overlooking Alcatraz Island and the Straits of the Golden Gate.

Through their seconds, they carried out the prescribed exchange of clarifying letters, the ritual attempts to reach a peaceful settlement, the agreement on rules, the search for a secluded site.

Terry dashed off a note to his wife in Stockton, assuring her that the matter would probably be settled without combat. Broderick told one of his friends: "Don't you fear...I can shoot twice to Terry's once."

The stand-off was set for 6 o'clock Sunday morning in a pasture near the ocean. But the chief of

"I cannot allow such language about him to be used in my hearing, and you shall not use it," Terry said, chestily, indicating this to be a challenge. Brodick turned away.

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Now San Francisco suggested that two of their most prominent rival candidates were facing a duel. The morning after Terry's challenge, however, the San Francisco Chronicle reported incorrectly that Senator Brodick had been challenged by Senator Terry, but the truth behind the rumor spread quickly. Brodick and Terry went into hiding to escape arrest. Terry spent the weekend out of town, Brodick stayed with his family. Haskell, one of his lieutenants at Black Point, on the north shore of the city overlooking Alcatraz Island and the Straits of the Golden Gate.

Through their agents, they raised out the prescribed exchange of challenge letters. The ritual attempt to reach a peaceful settlement, the agreement on which the game had been based since Terry dashed off a note to his wife in Stockton, assuring her that the matter would probably be settled without combat. Brodick told one of his lieutenants, "Don't you fear. I can shoot twice as fast as you."

The search was set for a place of privacy in a pasture near the train. But the trail of

police showed up before dawn, served papers on everyone he could identify and took them all to court. The judge, observing that a duel had not occurred, ruled that there had been no offense.

Broderick and Terry took advantage of their reprieve to reschedule their encounter the next morning at the Davis Ranch near Lake Merced, down at the San Mateo county line. This time, Terry slept over in a comfortable farmhouse. Broderick passed a restless night on a flea-infested cot at the Lake House, a simple inn on the Old Mission Road. He got up before daylight and was on his way without breakfast.

Sunshine was striking shadows in the dunes, and the wind from the sea was ruffling the tule grass along the edge of the lagoon. Seventy or eighty spectators had found their way to the new location. Some of them had tethered their horses in a grove of cypresses beyond the lake and walked along the shore. Dozens of carriages, carts and wagons were parked at the crest of a nearby hill. The wind was cool and the crowd was very quiet.

Broderick was muffled in a black cloak. He raised his head the judges brought around a polished wooden box and opened the lid. Inside, mounted on velvet, lay a pair of Belgian-made Lafoucheux dueling pistols with barrels twelve inches long. They belonged to Dr. Ayllette, a neighbor and close friend of Judge Terry's in Stockton. Terry had chosen the pistols. They were powerful, hair-triggered and as heavy as rifles. It was said by Terry's enemies that the pistols favored him as surely as a saddle-horse favors its most familiar rider.

Broderick looked at the pistols without touching them, shrugged and nodded his head. A somber mood darkened his features. He did not speak.

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Broderick and Terry took advantage of their
reprieve to reschedule their encounter for the next morning
at the Davis farm near Lake Merced, about the same
place as the duel. This time, Terry slept over in a
contaminated farmhouse; Broderick passed a restless
night on a cot in the lake house, a
simple room on the old Mission Road. He got up before
daylight and was on his way without breakfast.

Sunshine was still in bed in the house, and
the wind from the sea was muffled in the trees along
the edge of the lagoon. Several of Terry's spectators
had found their way to the new location. Some of them
had returned their horses to a grove of cypress
beyond the lake and walked along the shore. Some of
Terry's extra men and women were parked at the crest of
a nearby hill. The wind was cool and the crowd was very
quiet.

Broderick was muffled in a black cloak. He raised
his head and looked around a polished wooden
box and opened the lid. Inside, mounted on velvet, lay
a pair of Belgian-made pistols with
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in Alameda, Terry had chosen the pistols. They were
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rider.

Broderick looked at the pistols without touching
them, stepped and nodded his head. A number word
darkened his features. He did not speak.

The rules were read. Ten paces apart, each man would alternate firing one shot until one man was wounded or six shots had been expended.

Broderick was to fire first, on the count of two. As he was raising his weapon, the hair trigger tripped and fired. The bullet went into the sand. Terry, on the count of two, slowly lifted his pistol and took aim. He hit Broderick an inch-and-a-half above the right nipple. The bullet tore through the lung. Broderick swerved, staggered and fell on his left side. The pistols were not re-loaded. No one fired another shot.

Broderick's men carried him to a flatbed wagon, laid him on a mattress and set out for Black Point. It took them most of the morning to drive ten miles, first on a winding track among the sand-dunes, then along the city streets and finally to Leonidas Haskell's house. They lifted Broderick into bed, feverish and silent. Terry immediately left the city, guarded by a couple of his men.

For two days, Broderick rested quietly. On the third night, he grew delirious and ranted at the enemies who had conspired to kill him. In the early hours of Thursday morning, he died.

When news reached New York that the noblest fireman of them all, the Caesar of the Volunteers, had been struck down on the field of honor, all the engine companies of Manhattan marched out in procession. Swathes of crepe and sheaves of wheat hung on the doors of City Hall. The facade of Red Rover Engine House was draped in yards of black muslin. The Bowery Theatre commissioned the writing and performance of a drama called "Three Eras in the Life of a New York Fireman," based on incidents in Broderick's career. Among these was the moment when the future statesman of the Union had stripped down to his red flannel undershirt outside

The rules were very simple, each man would alternate firing one shot until one man was wounded or six shots had been expended. Frederick was to fire first, on the count of two. As he was raising his weapon, the ball cracked through and fired the bullet into the hand, falling on the count of two, slowly lifted his pistol and took aim. He and Frederick an inch-and-a-half above the right nipple. The bullet tore through the lung, Frederick swayed, staggered and fell on his left side. The pistols were not re-loaded. He one fired another shot. Frederick's man carried him to a nearby wagon. He had his own pistols and set out for Black Point. He took the rest of the morning to drive back to the first on a winding track among the sand-dunes. Then along the city streets and finally to Leonard's House. He passed the house, they lifted Frederick into bed, levered and lifted. They immediately left the city, started by a course of his own. For two days, Frederick rested quietly. On the third night, he grew restless and wanted to get up. He had been expected to stay in bed for the first hours of Thursday morning, he died. When news reached New York that the noblest of men of them all, the Caesar of the Volturno, had been struck down on the field of honor, all the organs of the press of Manhattan watched out in procession. Sections of crepe and shawls of mourning on the hours of City Hall. The facade of the Bowery House was draped in yards of black muslin. The Bowery Theatre commissioned the writing and performance of a drama called "The Fall of the House of the New York Emperor" based on incidents in Frederick's career. Among these was the woman who had the fortune of the Baron. He had slipped down to his red stained undergarments.

Joe Orr's Saloon in Greenwich Street and challenged every man who ran with the North River Engine to fight him, one by one.

But it was out in San Francisco, where Broderick was more than a legend, that his death fell like a blow upon a careless and self-centered community of strangers. Here, Broderick had been a source of courage and certitude to a class of men who saw no opportunity to advance themselves except through politics: the spoils of patronage, the fruits of petty graft, the power of numbers. Without him, they were alone in a hostile land. Broderick's thugs wept openly in the streets. They mounted banners carrying his picture and the words that he had uttered (or that he surely might have uttered) with his final breath:

"They have killed me because I was opposed to the extension of slavery, and a corrupt administration."

On the Sunday after their captain died, they took his coffin down to Portsmouth Square -- the old plaza of Yerba Buena Pueblo -- and set it on a platform hung with crepe. The chosen eulogist was Edward Baker, a lawyer, a free-soiler, and, of course, a Democrat. Baker's eloquence was famous up and down the Pacific Coast. He had the artistry, the subtlety, the insidious guile, of Shakespeare's Antonio. Like Antonio, he professed that he had come to bury, not to praise, his friend.

"Citizens of California!" Baker began. "A Senator lies dead in our midst. He is wrapped in a bloody shroud."

In the awful silence, Broderick's rough companions sighed and wiped their eyes.

Baker touched on Broderick's humble birth, his "serious and reflective cast," his forthright tongue, his rivalry with Gwin, his quarrel with President

Joe Orr's Saloon Interwicht Street and challenged every man who ran with the North River Engine to fight him, one by one.

But it was out in San Francisco, where Broderick was more than a legend, that his death fell like a blow upon a city and all departed communally. Alexander Hays, Broderick had been a source of courage and fortitude to a class of men who saw no opportunity to advance themselves except through politics, the spoils of patronage, the basis of party unity, the power of numbers. Without him they were alone in a hostile land. Broderick's image kept openly in the streets. They mounted banners carrying his picture and the words that he had uttered for that he barely might have uttered with his final breath:

"They have killed me because I was opposed to the extension of slavery, and a corrupt administration."

On the Sunday after their captain died, they took his coffin down to Portsmouth Square in the old days of Yerba Buena. It was set in on a platform high with ropes. The course around was toward Baker's lawyers, a fire-soldier, and, of course, a Democrat. Baker's response was famous on and down the Pacific Coast. He had the strategy, the subtlety, the balance of Shakespeare's Hamlet, like Atonal, he professed that he had come to bury, not to praise, his friend.

"Citizens of California! Baker began. "A senator lies dead in our midst. He is wrapped in a bloody shroud."

In the next silence, Broderick's words resonated around and wiped their eyes. Baker looked on Broderick's hands, like his "serious and reflective face," his torchlight bearing his rivalry with even, his quarrel with Fremont.

Buchanan. He discoursed upon the history of the code duello. He did not deny that the "code" had sometimes served as a mask for murder. He recited the details of Broderick's passion, a new synoptic gospel that was known to every man and woman and child in San Francisco: the rancor, the pointless challenge, the unbalanced pistols, the unequal duel, the final agony.

When Baker quoted again the last words of the martyr - "They have killed me because---" the crowd of 30,000 men and women swayed and moaned. If Judge Terry had not already fled the town, they probably would have hanged him.

"Fellow citizens," Baker cried, "let no man suppose that the death of the eminent citizen of whom I speak was caused by any other reason than that to which his own words assign it...His death was a political necessity, poorly veiled under the guise of a private quarrel."

At that moment, and for decades afterward, educated Californians regarded Baker's eulogy as immortal, of a rank with any utterance of Daniel Webster, Pitt the Elder or Demosthenes. They reprinted it, year after year, in collections of Western oratory. They built a monument to Broderick in the Lone Mountain Cemetery -- a statue on a pedestal, in the Roman style. They named a street for him in San Francisco and, parallel to it, a block away, a street named for Baker, who went on to his own meteoric course: a United States Senator from Oregon, a Union general, a fatality of war at Ball's Bluff.

A century and a half later, the Broderick-Terry duel is remembered as one of the significant moments in American history, a turning point in the dissolution of the Union. It is mentioned in every guidebook and text of California history. The site has been debated,

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 ... him

... "I am a man," Baker cried, "I am a man
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 ..."

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... the Protestant Party
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photographed, surveyed, mapped and posted with a historic marker. A pair of single-shot Belgian pistols allegedly used by one or the other of the marksmen was sold at auction a few years ago for \$34,500.

Senator Gwin, leaving town a few days later on the Panama steamer to return to Washington, stood at the deck rail to wave to the crowd. Down on the wharf were a dozen of Broderick's firehouse laddies, holding up a banner crudely painted with the unanswerable reproach: "They have killed me because I was opposed to slavery..."

They had done it - "Buck" Buchanan and "Breck" Breckenridge, the Chivs, Gwin and Terry, the whole slave-holding nation. They, all of them, in criminal collusion, had killed him. No one would ever be allowed to forget that awful accusation, that unanswerable reproach. Gwin's heart must have drowned in despair.

Who could doubt now that the system of elite society, genteel corruption and moral compromise that Gwin represented was doomed to be swept away by this rough young creature of the North, this bastard democracy of the teeming urban streets?

The deadly accuracy of Terry's pistol had ended the reign not only of David Broderick, the firehouse boss, but also of the Chivalry on the Pacific Coast. In no small measure, it would be the death of this one San Franciscan, the wrong San Franciscan, that would bind California and its wealth -- its wheat, its harbors, its people and its gold -- to the cause of the Union in the irreconcilable conflict that lay just ahead.

photographed, surveyed, mapped and posted with a
 historic marker. A pair of similar-but-better pistols
 allegedly used by one or the other of the men was
 sold at auction a few years ago for \$14,500.
 Garrison being leaving town a few days before
 the Panama attempt to return to Washington, and so
 the dock was to receive the crowd. How on the whole
 were a dozen of Frederick's lifetime labors, nothing
 to a banner cruelly pinned with the dust-covered
 epithet: "They have killed me because I was opposed to
 slavery."

They had done it - "Black" Buchanan and "Black"
 Breckinridge, the Gwin and Ferry, the whole
 slave-holding nation. They, all of them, in criminal
 collusion, had killed him. No one would ever be allowed
 to forget that awful accusation, that masterpiece
 of treachery. Gwin's heart must have drowned in despair.
 Who could doubt now that the system of white
 society, gentled corruption and moral compromise that
 Gwin represented was doomed to be swept away by this
 rough young creature of the North, this defender
 democracy of the people (white and black).

The deadly accuracy of Ferry's pistol had ended
 the reign not only of David Broderick, the Firebrand
 hero, but also of the Cavalry on the Pacific Coast. In
 no small measure, it would be the death of this one San
 Francisco, the wrong San Francisco, that would bind
 California and its wealth -- its wheat, its horses,
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 the irreconcilable conflict that lay just ahead.