GEORGE C. PERKINS, CALIFORNIA GOVERNOR 1880-82
HIS CAMPAIGN, ELECTION, AND ADMINISTRATION

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CHAPTER I

INTRODUCTION

George C. Perkins was elected as the fourteenth governor of California in 1880, and his administration was to be the first under the new 1879 state constitution. The Sacramento Bee reported that the Republican ticket of 1880 had been chosen by a large plurality, with the exception of the Supreme Court Justices.  

Perkins's final vote tally was 67,965, with Hugh J. Glenn, the Democratic and New Constitution Party candidate, receiving 47,647, and William F. White, the Workingmen's candidate, tallying 44,482. The Republican victory was complete and extended to both houses of the state legislature. There were twenty-two new Republican state senators, five Democrats, eight Workingmen's and five coalition party candidates in the forty member senate. The Republican party's working majority was not quite as clear cut in the Assembly, with fifty-nine Republicans, nineteen Democrats, with the other forty-two seats held by non-partisan coalition candidates. The Republican party had

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1 Sacramento Bee, September 4, 1879, p. 2.


3 Ibid., pp. 18-20.
scored a victory in the three-way gubernatorial race, while receiving less than forty percent of the total vote. Most of the votes that White, the Workingmen's candidate, had received were at the expense of the Democratic party. The Workingmen's strength in San Francisco gave White 40,000 votes and Glenn only 3,784; this was the split that gave the Republicans the election.

The Democrats had been badly demoralized; in some counties they had refused even to nominate a full ticket for all the offices. The lack of party unity and the normally Democratic votes lost to the Workingmen's party placed the state government in the hands of the conservative Republican party, the very party which had fought so hard to prevent the adoption of the new constitution.

George C. Perkins, the governor-elect, was born in Kennebunkport, Maine, 23 August, 1839. A farmer's son, he ran away to sea at twelve, and the next four years served as a cabin boy. At sixteen he arrived in San Francisco, where he purchased some equipment and headed for the mines in Butte County. An unsuccessful miner, he returned to San

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Francisco intent on going north to try his luck in British Columbia, but changed his mind and remained in California. He worked his way back to Sacramento and then to Ophir, later renamed Oroville, where he drove a mule team.

At seventeen, while a porter in an Oroville store, he bought and sold the ferry at Long's Bar for $1,000 profit.  

He continued to clerk at $60 per month. When business was poor he bought out the store. By the time he was twenty, it was grossing about $500,000 a year. Perkins was elected to a term in the state senate from Butte County in 1869. When this term expired in 1873, he was elected to fill the unexpired term for the district covering Butte, Plumas and Lassen counties. While he was serving as state senator he expanded his business interests into shipping, banking and several flour mills. In 1879 he was elected president of the Merchants' Exchange. He had become an accepted spokesman for the conservative business circles of California.

Perkins married Ruth Parker, a native of Cork, in 1864. There were to be three sons and four daughters from this marriage. During the Civil War he had served under

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General Bidwell as an aide-de-camp.\textsuperscript{10} He had worked as a common laborer, been a successful businessman, served his country during the war and had a large family. He had served his political apprenticeship as a state legislator and as a member of the Republican State Central Committee. At forty he was at the very beginning of his political career with his election as governor of California.

Before proceeding with a history of the Republican administration of 1880, it seems appropriate to look at the events prior to Perkins's election. The changing political, social and economic conditions of California in the middle and late 1870's were to shape and influence the new administration. In fact, the not inconsiderable changes effected just prior to his election contributed much to his victory.

\textsuperscript{10}Mansfield, \textit{op. cit.}, p. 436.
CHAPTER II

THE NEED FOR REFORM

In 1877 California was hit by the depression which had begun in the East four years before; it was triggered in this state by the collapse of the silver mining stocks.¹ The Consolidated Virginia mine in 1874 was an example of the fantastic stock growth commonplace in the west in the middle 1870's. This firm was managed by two San Francisco saloon owners, in partnership with two miners, Mackay and Fair. They had purchased a mine, which had so far been unproductive, for less than $100,000. They divided it into 10,700 shares and started their exploration. A drift was made at the 1800 foot level from a nearby mine, since its own shaft was only 400 feet deep. This exploration led to the discovery of the now famous bonanza. The mine was immediately divided into the California and the Consolidated Virginia and 108,000 shares issued. The original shares had each been worth from four to nine dollars; these new shares were soon worth upwards of $700. The mine acquired for less than $100,000 was now worth 150 million dollars.²

The stock market speculation stimulated by the bonanza


was not limited to the rich; it spread to the great mass of the people. Thousands of people were investing all they had, all they could beg, borrow or steal in the Nevada mining stocks.\(^3\) As early as 1872 the old stock market exchange was too small to accommodate all the brokers, and a new exchange board had to be organized.\(^4\) The value of Comstock shares, after the 1874 Consolidated Virginia bonanza, rose at the rate of a million dollars a day for nearly two months.\(^5\) Promoters had sold to the eager public stock of little or no value on the strength of the success of the Consolidated Virginia. The boom collapsed when the output of the mines began to decline and the speculators began to unload their shares. Silver mining stock prices went down rapidly, shrinking in a few weeks to a third of what they had been and financial ruin resulted for large and small stock holders alike. The impact of the financial disaster was felt by the entire population, stock owner or not. It contributed to the chain of events in the economic disaster of the west. The failure of the Bank of California, a leading financial institution of San Francisco and the west also contributed to that disaster.\(^6\)


\(^5\)Ibid., p. 7.

\(^6\)Ibid., p. 8.
Ralston, manager and president of the Bank of California, had taken an active part in promoting the Comstock mines. Money had been advanced on the security of the mining stock, and also for the building of ore crushing mills and acquiring a monopoly by the Union Mill and Mining Company with bank funds. In addition, Ralston had promoted a number of other schemes, none of which returned any profit to the bank.\(^7\) In August, 1875, unable to meet cash demands the Bank of California closed its doors. The misuse of bank funds by Ralston was discovered, and he was fired by the trustees. Many other banks also were closed in the panic which followed.\(^8\)

The failure of the banks and the consequent lack of credit contributed to the increase in the number of business failures from 1875 to 1878.\(^9\) In addition, the dry winter of 1876-77 resulted in a general failure of the grain crop and thousands of cattle perished.\(^10\) Governor Irwin, in his biennial message to the legislature in December, characterized 1877: "... as one of drought, partial failure of crops, general depression ... and almost universal dissatisfaction and disturbance."\(^11\) The drought resulted

\(^7\)Hittell, op. cit., pp. 554-55.
\(^8\)Ibid.
\(^11\)Hittell, op. cit., p. 583.
in a loss of twenty million dollars to the farmers and cattlemen. 12

Bryce summarized the condition of California in The American Commonwealth:

Trade was bad, work was scarce, and for what there was of it the Chinese, willing to take only half the ordinary wages, competed with the white labourer . . . in the country the farmers were no less discontented. They, too, had "gone into stocks", their farms were mortgaged, and many of them were bankrupt. 13

The railroads had done much to stimulate the economy; they were responsible for much of the success of agriculture and manufacturing in the 1860's and 1870's. The cities and counties, as well as the state and Federal governments, had given the railroads extensive subsidies to encourage the construction of roads. 14 Public resentment toward the railroads was comparatively mild as long as the transcontinental lines were being built. One of the events contributing to the growing public hostility was a bill introduced in the U. S. Congress in 1869-70, to grant the use of Goat Island, which was Federal land in San Francisco Bay, for use as a railroad terminal. The bill was defeated, but not without leaving a remnant popular feeling of resentment and enmity against the

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14 Swisher, op. cit., p. 46.
As the railroads grew in power and became arbitrary in the use of that power, the result was more and more opposition by the public. A Republican state senator from Sacramento, Newton Booth, became a candidate for governor in 1871 on account of his opposition to the railroads. Both the platform of the Republican party and the candidate appealed to the popular anti-railroad sentiment. Booth had made his position clear, he was against the railroads. The party platform voiced its opposition to subsidizing of railroads by grants of public lands and proposed to repeal certain state laws to prevent further grants. Booth won over Haight by a narrow margin, 62,581 to 57,520, achieving a significant California political victory based on the anti-railroad position. The victory was only partial, for the Democrats controlled the state senate. However, the Republicans were able to elect their man to the U. S. Senate, since they controlled enough votes in a joint session of the legislature.

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15 Hittell, op. cit., p. 491.
16 Ibid., p. 498.
18 Hittell, op. cit., p. 499.
19 Davis, op. cit., p. 311.
20 Hittell, op. cit., p. 504.
In the early years of the eighteen-seventies, the public sentiment toward the railroads became even more bitter. The roads charged all that the traffic would bear and discriminated on rates and services. These practices brought demands for regulation by the public.\textsuperscript{21} To these protests, the railroad answered that their rates were within or below the legal limit set in 1861 of 10\(^\circ\) per passenger mile and 15\(^\circ\) per ton mile, and the railroad earnings were not too high.\textsuperscript{22}

About this time, the State Grange of California also voiced their complaints as they organized to fight against monopolies and economic abuses by corporations and the railroads. Their position, stated at the state convention 24 September 1872, was that: "... the freight rates on the railroads are ruinous to our interests."\textsuperscript{23} That the railroads were charging all it could get for transportation, without an equitable rate system based on service rendered. An example cited was that of a shipper who asked for a car-load rate on potatoes from San Francisco to Tucson; in response, the railroad asked how much he would have to pay for the potatoes and what he expected to get for them. With

\begin{itemize}
\item \textsuperscript{21}Swisher, \textit{loc. cit.}
\item \textsuperscript{23}George H. Tinkham, \textit{California Men and Events} (Stockton, California: Record Publishing Company, 1915), p. 221.
\end{itemize}
this information, the freight rate was established allowing
the shipper a small profit.24

There were many such examples of charging whatever
the traffic would bear. Leland Stanford, in a speech to
men in the Sacramento railroad shops in September, 1873,
explained the railroad's position:

Does Governor Booth sell at the same percent of
profit his sugar, pork, beans, bacon, lard, candles,
soap, spice, coffee, whiskey, brandy, and other
articles? So with the mechanic, the manufacturer,
the farmer, and others. The market price governs.
The Southern Pacific... sells transportation
precisely as a merchant disposes of his wares,
adjusting its tariff to conform to the situation
with the object in view of inducing the largest
amount of transportation at fair rates.25

The growing conflict between the public and the
railroads predictably resulted in the first attempt to
regulate the railroads by the California State Legislature
in 1875. An act was passed which provided for the appoint-
ment of a board of commissioners to fix the maximum charges
for freight and fares.26 The passage of this act brought to
light many more abuses through the reports to the commissioners.27

24Swisher, op. cit., p. 47.

25Stuart Daggett, Chapters on the History of the
Southern Pacific (New York: The Ronald Press Company, 1922),
pp. 239-40.

26Swisher, op. cit., p. 52.

27Hubert Howe Bancroft, The Works of Hubert Howe
Bancroft, Volume XXIV, History of California, Volume VII,
1860-1890 (San Francisco: The History Company, 1890), p. 628.
The commission's report to the 1877-78 legislature was submitted without claiming great value for it because of the failure of the railroads to cooperate. The report cited the prevalence of stock-watering, use of construction companies managed by the same people who controlled the railroad, which resulted in the awards of large sums for service to themselves at huge profits.\textsuperscript{28} The commission reported on the railroads' refusal to cooperate and recommended that the board be given power to make itself effective. In specific terms, the commissioners recommended four bills to the legislature: one to increase the authority of the board, another clearly delegating certain police powers, a third on rules and regulation of freight and fares, and the fourth dealt with rate and service discriminations among localities.\textsuperscript{29} As with the so-called "Granger Laws" in the north central states, these proposals clearly entailed effective regulation within the state.

The railroads set out to defeat the board in the legislature, and in the process, were able to destroy the railroad commission and substitute the new office of Commissioner of Transportation. This lone commissioner would replace the board of commissioners, which, despite limited authority, had caused the railroads no little trouble. The

\textsuperscript{28}Swisher, loc. cit.

\textsuperscript{29}Ibid., p. 53.
four bills proposed by the board were indefinitely postponed or disregarded, and regulation was effectively stifled for the time being.\textsuperscript{30} The contention that railroads should be subject to government regulation was, in California in the 1870's, inverted: the state government was regulated by the railroads.\textsuperscript{31}

The domination of much of California by large land holders was soon to become a major issue, along with the railroad and banking issues. When California was brought into the union, the treaty of Guadalupe Hidalgo had guaranteed property held in the ceded Mexican Territory would be respected by the United States. In 1846 it was estimated that eight million acres were held by 800 grantees under Mexican grants.\textsuperscript{32} In addition, the large grants of land made to encourage railroad construction amounted to over fifteen million acres. Much of this was of little value, but some was in the richest sections of the state.\textsuperscript{33} The price ranged from two and one-half to twenty dollars an acre, but little was sold at a price above five dollars.\textsuperscript{34} However, the railroad kept much of the best land off the market.

\textsuperscript{30}\textit{Ibid.}, p. 54.
\textsuperscript{31}\textit{Caughey, \textit{loc. cit.}}
\textsuperscript{32}\textit{Cleland, \textit{op. cit.}}, p. 411.
\textsuperscript{33}\textit{Ibid.}, p. 413.
\textsuperscript{34}\textit{Daggett, \textit{op. cit.}}, p. 63.
Large land holdings were also made possible by the Federal government in disposing of its public lands. The State of California received nearly nine million acres which was to be sold to settlers at $1.25 per acre. Some was sold to the settler, but much went to the large land owners.35 The small land owner complained that these large tracts did not pay their fair share of taxes, nor did they use all the land to best advantage.36 Despite these complaints, the size of the large ranches increased rather than decreased between 1873 and 1890. In Butte County eight land holders owned twenty percent of the assessed acreage.37 There were 455 owners in California who held tracts of from 5,000 acres up, some of them much larger.38 There was considerable conflict between the owners of the large tracts of land and the small owner. The non-availability of good land and the inequality of taxation was to be a major political concern.

While not all disaffected Californians agreed on the banking, railroad and land monopoly issues, there seemed to be almost universal agreement on one thing in the 1870's: California had a Chinese problem, and "The Chinese must go!"

35Cleland, op. cit., p. 413.
36Swisher, op. cit., p. 70.
38Swisher, loc. cit.
This became the war cry of the politicians seeking votes and the stock in trade of the agitators.39

When California had joined the union, there were but a handful of Chinese, but by 1876 there were 116,000. There had been a great need for labor incidental to the economic growth of the first decades of statehood.40 When construction was started by the Central Pacific in the sixties, some twelve thousand Chinese were used to lay the tracks on the western portion of the transcontinental route.41 They had soon monopolized the laundry business and became almost universal household servants; they opened restaurants and operated truck farms.42 In short, the Chinese had become a large labor force and had contributed to early successes in California's agricultural and manufacturing enterprises.

There were still many forces in the state in 1875 that favored the use of Chinese labor, for the willing Chinese were not only excellent workers, but worked for much less than the whites. There had been for some time strong anti-Chinese agitation and it became much more intense when unemployment found many whites seeking jobs. There were several outbursts of violence and brutality, a number of

39Atherton, op. cit., p. 289.
40Cleland, op. cit., p. 416
41McGowan, op. cit., p. 322.
42Cleland, loc. cit.
Chinese killed, and others driven from their homes. 43 There had been state laws passed to regulate the Chinese which had only harassed them but had done little to deter their immigration. The courts had declared many of these acts void, since the Burlingame Treaty of 1868 contained a guaranty of freedom for the Chinese in the United States. 44 With the increase of general economic distress and the consequent spread of individual and group insecurity in the 1870's, anti-Chinese sentiments became the focal point for much of the political discontent and the common rallying point for a new breed of politicians being heard for the first time in California and the nation.

The dissatisfaction and unrest caused by the business depression and unemployment in the 1870's was to trigger a political upheaval in California. There were changes in the existing political parties and the formation of several new parties. These new parties did not survive for long, but the changes they made were felt for many years. While there were several sources of discontent, the Chinese problem, more than any other single thing, was to provide a common bond to urge men to political action.

43 Ibid., p. 418.

44 Caughey, op. cit., p. 385.
CHAPTER III

POLITICAL ACTION

The economic depression of the middle and later seventies took a marked toll in San Francisco: in 1876 the San Francisco Benevolent Association disbursed $19,000 for the relief of unemployed workers, which averaged about 600 a day, by February, 1878, it had risen to 2,000 daily.\(^1\) These workers, looking for a cause for their misfortune, blamed the Chinese laborers. They stored up hate and frustration which was vented by demonstrations against the Chinese. They burned their laundries, destroyed their property, and tried to drive them away from their homes.\(^2\)

These demonstrations were cause for much concern among capitalists and property owners of the white community, as well as the Chinese victims of the riots, and on 24 July, 1877, a "Committee of Safety" was organized. The committee was headed by William T. Coleman, who had been president of the Vigilance Committee of 1856; his force had nearly 5,500 men, including 300 cavalry. They were equipped with hickory pick handles and became known as the "pick handle brigade". Patrols were set in the city to prevent any outbreaks of


violence.\(^3\) There had been some minor skirmishes during the first day, but order was maintained by the Committee's "pick handle brigade". That evening fires were set in the lumber yards near the Pacific Mail Steamship Company's docks. The company had long been a target since it was the principal carrier of Chinese immigrants. When the firemen answered the call, they were accompanied by the police and members of the "pick handle brigade". In the battle that followed a few men were killed and many wounded, but the "pick handle brigade" was the victor.\(^4\) This strong show of force broke the backbone of the riotous movement for the time being.

The Workingmen's riots were put down, but their grievances still had not been answered. Labor spokesmen asserted that the two major parties were not at all concerned with the laboring man, and the San Francisco Trade and Labor Union decided to break off relations with the existing parties and enter politics with a labor party.\(^5\) On 21 September, 1877, a meeting was held in the union hall for the "... avowed purpose of considering the condition of unemployed laborers and providing ways and means for their relief."\(^6\) State Senator Philip A. Roach made the first speech and spoke

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\(^4\)Ibid., p. 598.

\(^5\)Hunt and Sanchez, *loc. cit.*

\(^6\)Hittell, *op. cit.*, p. 600.
out against social and political corruption and called for united action to obtain favorable legislation and decried the employment of the "pick handle brigade". Denis Kearney, champion of the "Sandlotters", spoke out in a somewhat stronger vein, and proposed that the workingman should add a musket to his household effects. Within a year, he said, 20,000 laborers would be well-armed and organized, and "They would be able to demand and take what they will, despite the military, the police and the Safety Committee." He went on to say ominously that "... a little judicious hanging about that time would be the best course to pursue with the capitalists and stock sharps who were robbing the people."8

The militant stand taken by Kearney was well received by the workingmen, and on October 5th, at the first permanent organization meeting of the party, he was elected president.9 A committee of five was appointed to prepare a set of principles which would enumerate the political position and goals of the Workingmen's Party. The party would unite to "... wrest the government from the rich ... rid the country of cheap Chinese labor ... destroy land monopoly ... destroy the great money power of the rich by a system of taxation ... and propose to elect none but competent workingmen and

7Hunt and Sanchez, loc. cit.
9Swisher, loc. cit.
their friends to any office whatever."\textsuperscript{10} They went on to say that they would not encourage riot or outrage, but they would not volunteer to put down any who might crusade against the Chinamen: "... let those who raise the storm by their selfishness suppress it themselves."\textsuperscript{11}

Having thus issued their challenge, the Workingmen drew up a manifesto, signed by Kearney, which was published in the\textit{San Francisco Chronicle}:

We have made no secret of our intentions. We make none. Before you and before the world we declare that the Chinaman must leave our shores. We declare that white men, and women, and boys, and girls, cannot live as the people of the great republic should and compete with the single Chinese coolie in the labor market. We declare that we cannot hope to drive the Chinaman away by working cheaper than he does. None but an enemy would expect it of us; none but an idiot could hope for success; none but a degraded coward and slave would make the effort. To an American, death is preferable to life on a par with the Chinaman. What then is left to us? Our votes! We can organize. We can vote our friends into all the offices of the state ... . We call upon our fellow workingmen to show their hands, to cast their ballots aright and to elect the men of their choice ... . The people are about to take their own affairs into their own hands, and they will not be stayed either by "citizen", vigilantes, state militia, nor United States troops.\textsuperscript{12}

On October 29th a Workingmen's Party meeting was held at Nob Hill near the residences of the railroad owners, Stanford, Hopkins and Crocker. Crocker's place was the center of attention; since he had been unable to buy the

\textsuperscript{10}Davis, \textit{loc. cit.}

\textsuperscript{11}Hittell, \textit{op. cit.}, p. 601.

\textsuperscript{12}\textit{San Francisco Chronicle}, October 16, 1877, p. 2.
last remaining lot in his block, he had erected a high "spite fence" around it. The fence had become a target of complaint and Kearney told the crowd that he would give Crocker until November 29th to take down the fence. 13

A few days later Kearney was arrested and taken to the city prison to become the first martyr of the Workingmen's Party. Denis Kearney had quietly followed the officers and waved back those in the crowd who would attempt a rescue. 14

On the following day, Knight and five others were placed under arrest. 15 The bail was set high, probably as an attempt to punish them before their conviction. During their imprisonment the leaders addressed a letter to the mayor stating that they had been unfairly reported, "... they were willing to submit to any wise measure to allay excitement, and they would hold no more incendiary or outdoor meetings." 16

On November 15th, Kearney and Knight were released on bail, and on the 21st the cases were tried in the city criminal court and dismissed by the judge. 17

13 Hittell, op. cit., p. 604.
15 Hunt and Sanchez, op. cit., p. 544.
16 Bancroft, op. cit., p. 716.
17 Davis, op. cit., p. 373.
prison, Kearney's chief concern was to prepare a Thanksgiving Day parade. His efforts were successful and, as grand marshal, he led some 7,000 representatives from every ward and trade in the city. A rally was held when the parade was over; Kearney, in his now-familiar speech, again spoke out, "The Chinese must go!" 18

Having taken the city's laboring groups by storm, in December, 1877, Kearney and some of his confederates set out on a tour of the state to organize additional support for their cause. They were not very successful in the rural areas, but in the larger cities and towns their appeals were more successful. 19 When they returned to San Francisco early in January, 1878, Kearney and the other leaders were again put behind bars for rioting near the homes of Stanford and Crocker, and for conspiracy against the Chinese. On January 22nd, they were brought to trial on the riot charge; the jury acquitted them of this charge and the conspiracy charge was not pressed. 20

The same day came news of a victory for the Workingmen's Party in the Alameda county election of a state senator. Mr. John W. Bones, who won, declared he was not an adherent of Kearney and had nothing to do with the Workingmen's convention which had nominated him; nevertheless the party took the

18 Bancroft, op. cit., p. 718.
19 Ibid., p. 720.
20 Hittell, op. cit., p. 609.
credit for his victory.21

The first state convention of the Workingmen's Party was opened January 21st, while Kearney was on trial. Little was done the first day except to employ counsel who would have the mayor brought into court on a writ of mandate to show cause why he broke up their meeting. The next day the mayor announced that he would not interfere with the convention so long as they did not violate the law.22 The convention, on January 23rd, elected Kearney president; Wellock and Manning, vice presidents; Knight and Dunn, secretaries. Kearney appointed a platform committee which included himself and Knight, and reported to the convention the next day:

The workingmen of California desire to unite . . . to secure the rights to maintain life, liberty, and happiness against land and money monopoly . . . . Chinese cheap labor is a curse to our land . . . and should be restricted and forever abolished. The land is the heritage of the people . . . to be held for actual settlement and cultivation . . . all lands of equal productive nature shall be subject to equal taxation . . . all labor on public works, whether state or municipal, should be performed by the day, at current rates of wages . . . eight hours is a sufficient day's work for any man, and the law should make it so . . . millionaires and money monopolists are destructive to the happiness and dangerous to the liberty of the people, and we demand that they be made impossible by a proper system of taxation.23

All in the space of a few short months, the Workingmen's Party had attracted much attention in the press and in the

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21 Bancroft, op. cit., p. 725.
22 Davis, op. cit., p. 377.
23 Ibid., p. 379.
larger towns and cities, and had become an effective political force. At the same time, the united workers had become a political power to be reckoned with in the state.

Meanwhile, the farmers of California, likewise discontent with their lot in the current state of affairs, were also in the process of establishing a political organization.

By 1873, Farmers' Clubs were organized throughout the state and were holding weekly meetings on items of agricultural interest. The concerns of the farmers with railroad rates and other grievances could not be met by these non-political clubs, and so a California branch of the secret order, Patrons of Husbandry, or Granges, was formed, absorbing the clubs.24 They became affiliated with the National Grange in April, 1873, when John Bidwell, who had been president of the Farmers' Union, a federation of the clubs, became president of the California Branch of the Order of Patrons of Husbandry.25 At this meeting, a clear-cut resolution on the organization's position was adopted:

That the rates charged for freight over the railroads in this state are ruinous to our agricultural interests. . . . the corporations operating these roads should be under control of our statutes, and that the maximum rates of freights should so be fixed by statute. . . . If we find it impracticable under present management to obtain a fair reduction on such freights . . . we insist that the railroads

24 Ibid., p. 321

built by money of the government shall be operated by the government. . . . That as these matters are political, we will so far make this a political body as to cast our votes and use our influence for such men for our state legislature as will carry our views into effect. 26

In addition to adopting its anti-railroad platform, the Grange also directed the executive committee to prepare plans for a cooperative bank system. 27

The new farmers' organization joined the anti-railroad portion of the Republican party, led by Newton Booth, in the campaign of 1873 to elect membership of the state legislature. Booth was a pronounced opponent of the railroads and sought election by the state legislature to the United States Senate. These two groups had joined to form the Independent Taxpayers' Party and carried along with it the "disgruntled" elements of the other parties. Its opponents christened it the "Dolly Varden" on account of its heterogeneous constitution, paricolored complexion and unusual make-up. The Grange and the "Dolly Varden" party alliance was successful and Booth's selection to the United States Senate was assured. While the Grange's alliance with Booth's "Dolly Varden" Republicans was successful in electing a senator favorable to their anti-railroad position, the coalition was short-lived as the members

26 Davis, op. cit., pp. 322-23.
27 Ibid.
returned to their former political party after this election. John Bidwell was the "Dolly Varden" candidate for governor, but the Republican vote was split between Bidwell and Phelps, the regular Republican candidate, which permitted Irwin, the Democrat, to win by 30,000 votes. The "Dolly Vardens" did not disappear immediately, but the group was never an effective political party after this time.

As the product of multiple-group agitation for political reform, a bill was submitted to the state legislature in 1876, recommending the calling of a convention to revise and change the state constitution; it provided that the question should be submitted to the voters at the next general election. The bill passed both houses by large majorities, was signed by Governor Irwin, and became law April 3rd, the last day of the session. In the state election held on September 5th, the voters approved calling a constitutional convention, and again on the last day of the next legislative session, 1 April, 1878, an act calling for a state constitutional convention was passed.

The Republican and Democratic parties, who both had lost elections due to a split vote, met in different rooms in the Palace Hotel in San Francisco to effect a fusion of

28Hittell, op. cit., p. 519.
29Davis, op. cit., p. 355.
30Hittell, op. cit., p. 575.
31Ibid., p. 586.
their parties to elect delegates to the constitutional
convention. This effort was not successful. After the
Republicans adopted resolutions for nominating a joint ticket
of non-partisan delegates and invited the Democrats to co-
operate, the Democratic committee, ignoring the Republicans,
recommended that for the purpose of selecting candidates a
nominating convention be held in Sacramento. The Republicans'
counter-resolution was to select delegates at local meetings
rather than at a state-wide meeting. A compromise solu-
tion to have a nominating committee select a non-partisan
list of candidates for the voters' choice was proposed by
the San Francisco newspapers. This proposal was accepted
and adopted in the other congressional districts as well,
and despite the imperfect coordination of the coalition
efforts, the plan produced a conservative or moderate non-
partisan plurality in the ensuing voter canvass. The
election took place on 19 June, 1878, and resulted in the
selection of seventy-eight non-partisans, fifty-one Working-
men, eleven Republicans, ten Democrats, and two Independents. These were the factions which met at the state capital and
labored to produce a new constitution for California, in

32 Davis, op. cit., p. 381.
33 Hittell, op. cit., p. 612.
34 Davis, op. cit., p. 383.
35 Hittell, op. cit., p. 613.
response to the varied demands for reform from the disaffected citizenry of the troubled 'seventies.
CHAPTER IV

THE CONSTITUTIONAL CONVENTION

The constitutional convention delegates represented a cross-section of California's population: doctors, lawyers, merchants, farmers, mechanics, miners, and even a school teacher. There had been an attempt by the Republicans and Democrats to create a fusion party, which had been only partially successful. The so-called non-partisans were, for the most part, loyal to their original party doctrine except when special interests caused the party line to fade away. An example was the non-partisans who were farmers by occupation, regardless of former party label, and who supported the Grange position. All sorts of combinations were formed during the convention on some issues since no single political party, by itself, could muster a majority.

When the convention met in Sacramento on 28 September, 1878, there were 145 delegates present, four absent, two had died since election, and one had resigned.1 There had been seventy-eight non-partisans (including all thirty-two delegates-at-large), fifty-one Workingmen (including thirty-one delegates from San Francisco), eleven Republicans, ten Democrats, and two Independents elected on 19 June, 1878; there were

seventy-five former Republicans, seventy former Democrats, and seven Independents, so, even on a basis of former party alliance, there was not a majority. The lack of control by any single political faction and the strong conflicts over some issues made this a prolonged and frustrating convention. The first day's accomplishments were to set the pace. The meeting was called to order by the temporary chairman, Governor Irwin, who swore in the members, and then adjourned until Monday.

That evening a caucus was held by the non-partisans, the Republicans and Democrats, with eighty-three present; Hodge was proposed for president, and Boruck for secretary. The next day Hodge was not elected until the fifth ballot and Boruck was defeated. The former Democrats and Republicans were quite reluctant to unite, and the smaller but better-organized Workingmen's Party was successful in many areas because of the disunity in the non-partisan group.

The Workingmen's Party battle cry, "The Chinese must go!" had led many voters to support the party which was pledged to drive the Chinaman from their state. Throughout the state, even where the Workingmen's candidates did not win, the race problem was regarded as acute, and one which

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3 Hittell, loc. cit.
the convention had to solve.\textsuperscript{4} Many proposals were made by the delegates to solve the Chinese problem. One spokesman proposed that aliens should not be allowed to hold property; another that Chinamen should not be allowed to trade, peddle or carry on any mercantile business. Other propositions offered sections banning Chinese testimony in judicial proceedings or trials, prohibiting Chinese from fishing in the inland waters of the state, imposing a per-capita tax of $250 on each coolie immigrant. These were but a few of the proposals submitted, but they clearly indicate the tenor of the larger number\textsuperscript{5}

As expected, there were many anti-Chinese speeches, and, by and large, the convention took a strong stand in favor of the Chinese articles proposed; under these heavily biased circumstances, it was quite remarkable that any voice was heard in defense of the Chinese. There was, however, a speech of protest made against the anti-Chinese measures by Charles V. Stuart. He spoke out courageously against the "... wail of demagogues, that the country is overrun by the 'heathen Chinese', and our white labor is driven from all employment. ... there is not a man on this floor but

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\textsuperscript{4}Carl Brent Swisher, \textit{Motivation and Political Technique in the California Constitutional Convention, 1878-79} (Claremont, California: Pomona College, 1930), p. 86.

\textsuperscript{5}Hittell, \textit{op. cit.}, p. 617.
knows this is not so." Stuart went on to say that, if there was anything to fear, it was not the Chinese, but the rioters and hoodlums who were plotting to destroy the great producing and manufacturing interests by promoting the crusade against Chinese labor. 7

The next speaker, Ayers, admitted that Stuart had made an eloquent appeal, "... but," he said, "in a question between people of our own race, and the heathen who band together like brutes ... I must choose the former." 8 To no one's surprise, Stuart's objections were overwhelmed by the general opposition, and a marked hostility toward the Chinese was reflected in the measures adopted by the convention. In addition, by the implied approval of the majority many of the previously existing injustices to the Chinese were given a sort of constitutional approval. 9

Sections were incorporated into the new constitution which prohibited corporations from employing Chinese, and banned their use on public works except in punishment for crimes, while another passage did not allow any alien ineligible to become a citizen of the United States to purchase,

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7 Hittell, op. cit., p. 624.

8 Willis and Stockton, op. cit., p. 1239.

9 Hittell, op. cit., p. 625.
lease or hold any real property in the state. The last section applying to the race problem was a condemnation of Asiatic coolieism: "... it is a form of human slavery and is forever prohibited in this state, and all contracts for coolie labor shall be void." This article provided that the legislature would pass acts to enforce the prohibition and provide for the removal from the cities and towns of the Chinese. In addition to adopting the discriminatory articles on the Chinese, the convention sent a memorial to the federal government asking them to take action to stop Chinese immigration.

In the period between October 9th and November 12th, twenty-seven bills relating to corporations were introduced in the convention and referred to the committee on corporations other than municipal. This committee of fifteen members was headed by M. M. Estee, a lawyer, who was widely known as a liberal in politics and an advocate of railroad regulation. Only two other members of the committee took an active part in the debates on the proposed articles: Clitus Barbour, a Workingmen's delegate from San Francisco,

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10 Willis and Stockton, _loc. cit._
11 _Ibid._, p. 1519.
12 _Ibid._, p. 739.
and General Volney E. Howard, a lawyer and Democrat from Los Angeles. Reflecting a distinctive bias toward all corporations, Howard took the position that the corporations were not at all essential to the state, and insisted on their effective control.  

The fusion of the Workmen and Grange members was operating in favor of regulatory action by the state, even if complete unanimity was not possible when it came to the section on regulation of the railroads. A railroad commission was created which consisted of three members to be elected at the regular gubernatorial election. This commission was to regulate the freights and fares of railroads and transportation companies, prescribe a system of accounts, and have general supervision over their business.

There was much heated debate when the attempt was made to make directors or trustees liable to creditors and stockholders for money embezzled or misappropriated by bank officers. One delegate, William P. Grace, spoke ardently in favor of the proposal. "We want something that will compel them to do a legitimate business," he asserted. "... If we don't put the screws upon these swindling institutions the country never will prosper." The opposition made dire

14Willis and Stockton, op. cit., p. 87.
15Hittell, op. cit., p. 628.
16Willis and Stockton, op. cit., p. 1204.
predictions about all bank owners and directors leaving the state if this measure were adopted, and asserted that the proposal was a direct blow at the prosperity of the state. When the vote was taken, the measure was carried by a considerable majority.17

One of the pre-convention grievances linked with the anti-corporation, anti-monopoly sentiment in rural sectors, particularly for thousands, had been dissatisfaction with the existing system of taxation. It had been as much a reason for their vote to change the constitution as was the race and immigration problem involving the Chinese. One delegate believed in a graduated scale of taxation in proportion to aggregate value on estates of deceased persons, so that the small estate would pay no tax but large ones would pay enough to run the government; yet another was in favor of an ad valorem tax upon all property.18 After these and various other proposals, it became evident that a main area of contention was that regarding the taxing of mortgages and solvent debts. The Moreland amendment stated that bonds, notes, mortgages, evidences of indebtedness, solvent debts, and everything of value capable of transfer or ownership


18 Hittell, op. cit., p. 626.
should be considered property and taxed in proportion to its value.\textsuperscript{19} Most of the Workingmen and the Grangers were in favor of taxing the land and mortgages separately; the land for its value and mortgage for its face. When the Moreland amendment came to vote, it lost, but some of the same purposes were accomplished by the complicated system of taxation adopted.\textsuperscript{20} A State Board of Equalization was created to equalize the valuation of taxable property and to assess the franchise, roadway, road bed, rails and rolling stock of all railroads operating in more than one county in the state.\textsuperscript{21}

The articles on corporations, taxation, and the Chinese were those which, because of the public concern, occupied much of the time in the convention; however, there were other changes which were to have a lasting effect on California government. One changed the role of the state legislature by restricting it from enacting local or special laws; another change was a provision that all bills to be considered by the legislature had to be read three times; further, the governor was allowed to item veto any appropriation bill without invalidating the whole bill. There were other provisions included in the constitution for the first time, but none more important than water rights and public

\textsuperscript{19}Hunt and Sanchez, \textit{op. cit.}, p. 549.

\textsuperscript{20}Hittell, \textit{op. cit.}, p. 627.

\textsuperscript{21}Hunt and Sanchez, \textit{op. cit.}, p. 549.
control over the sale and use of water.22

The convention, after being in session for 157 days, presented the complete document for final approval and signature on 3 March, 1879. The vote was for adoption by 120 ayes against 15 noes, with 16 absent and not voting. After the vote, the president and secretary signed the document and the 138 delegates present were called up to sign; however, 13 did not sign.23 An address to the voters to urge their approval of the new constitution was prepared by some of the committee and approved by the convention by a vote of 103 to 30.24

The new constitution was submitted to the people for ratification on 7 May, 1879, and was adopted by a vote of 77,959, for; 67,134, against.25 The Workingmen's and Grange's vote was instrumental in gaining approval. There had been considerable opposition by the conservative elements and, in addition, most of the newspapers opposed adoption. In San Francisco, even where the Workingmen's Party had considerable strength, there was a majority against it, with nearly a 1,600 majority vote against of the 38,000 votes cast.26 The new constitution had won approval, and at once

22Willis and Stockton, op. cit., pp. 1522-23.
23Hittell, op. cit., p. 638.
24Willis and Stockton, loc. cit.
25Davis, op. cit., p. 393.
the political parties rushed to hold state conventions to propose platforms protesting their intention of carrying the new constitution into effect.  

27 Davis, loc. cit.
CHAPTER V

POLITICAL CONVENTIONS AND GUBERNATORIAL NOMINATIONS

The new constitution had no sooner been approved by the voters when the San Francisco Chronicle urged the formation of a new political party. This party would consist of the supporters of the new constitution, without regard to former political alliances, with the view of electing state officials who were friendly to it and would endeavor, in good faith, to carry its provisions into effect.1 The editor of the Chronicle, Charles De Young, who had withdrawn his support of the Workingmen's Party after a disagreement with Kearney, was the driving force behind the proposed party.

On May 10th a mass meeting was held in Stockton by the friends of the constitution to take preliminary steps toward the formation of the new party. Plans were made to hold local meetings in every election precinct on May 24th to form and organize new constitution clubs to carry out the campaign.2 The state central executive committee, which had


been appointed at the second organizational meeting on May 17th, set forth a resolution on the party's position:

That we know no national issues or national politics in this campaign; that we rise above all parties, at the same time leaving every voter hereafter to act for himself in matters appertaining to old party lines, as he shall be advised.³

The appeal for support from the established parties was rejected by the Workingmen's Party, who held an executive meeting May 10th and resolved not to affiliate with the new constitutional party.⁴

In San Francisco, on June 3rd, the Workingmen's Party met in state convention and appointed a platform committee. The next day the committee presented the party position, a very long list of propositions consisting of many enunciated in the new constitution. As expected, the anti-Chinese position was quite direct: Corporations must discharge their Chinese employees, laws must be enacted to purge the communities of Chinese and prevent any more of them from entering the state. The letter and spirit of the constitution must be enforced, and if any official violated the pledge given to secure his election, he should be punished as a felon.⁵ Kearney objected to one clause, "... we

³Davis, op. cit., p. 395.
⁴Ibid., p. 396.
⁵Ibid., p. 397.
utterly repudiate all spirit of communism or agrarianism . . ."
but, finding himself overruled, withdrew his objection. 6
There were several planks against corporations and railroads,
including a plea for congress to pass laws regulating fares,
freight rates and other abuses in management on overland
routes.7 The platform declared that vested rights in prop-
erty must be respected, but land monopoly must be prohibited.
This was not the only contradiction; there were several in
the forty planks proposed. It was a long and complex plat-
form and mirrored many of the complaints and requests for
reform heard during the recent constitutional convention.

Having drawn up and adopted their platform, the
Workingmen's Party then nominated William F. White for
governor, W. R. Andrews for lieutenant governor, and Robert
F. Morrison for chief justice. 8

The Republican Party's state convention met in
Sacramento on June 17th and presented their platform. The
Republicans' anti-Chinese position was that the national
congress must take action to restrict immigration, and have
the Burlingame treaty repealed or modified. In the state
no effort would be spared to secure, by legislative enact-
ment, a judicial enforcement to control and restrict

6Ibid., p. 400.

7Ibid., p. 399.

8Hittell, op. cit., pp. 642-43.
immigration. They went on to recognize the constitution which demanded the discouragement of monopolies by corporations or individuals, and the reduction of freight and fares by at least twenty-five percent on all railroads in the state which had received state or national aid. The party recognized the will of the people in approving the new constitution, and asserted that the organic law of the state would be enforced by an honest Republican administration.

There had been four candidates for the Republican nomination for governor: Swift, Davis, Evans and Perkins. When Swift's man, Pixley, was elected convention chairman, his supporters rejoiced in the belief his nomination was secure. The Sacramento Bee noted of the preliminary struggle in the convention that it was "... very warm throughout the entire day, but last night the political caldron became agitated ... today the fight is red hot." Perkins was opposed by many of the San Francisco delegates and, when his man had lost the fight for the chairmanship, the general belief was that he was out of the running. Early in the proceedings, however, Swift killed his chances for nomination when he made a speech expressing doubts that his own views were in accord with the party platform. The position

10 Sacramento Bee, June 17, 1879, p. 2.
taken by Swift made Perkins's nomination almost a sure thing. George C. Perkins was nominated for governor on the first ballot, with John Mansfield, lieutenant governor, and A. L. Rhodes for chief justice.12

The executive committee of the New Constitutional Party called a state convention to meet at Sacramento on June 25th. Once in session, the convention early received the committee on platform's statement of the party's position. First recognizing that the presence of the Chinese in California was an unmitigated evil and an intolerable nuisance, the platform went on to assert that "... the new constitution embodies principles just to all, oppressive to none, dear to ourselves, and of untold benefits to posterity." Much of their platform was directed against the Chinese and the proposed legislative action under the new constitution to "... make the Chinese cease coming, and cause those now here to speedily depart."13 The party's candidates deserved support over those of other parties who had opposed the adoption of the new constitution, and who would now propose to put into effect its provisions; they would enforce the new organic law in the spirit intended by its framers.14 The party took a strong stand against

12Hittell, op. cit., p. 641.
13Davis, op. cit., p. 412.
14Hittell, op. cit., p. 644.
corporations and railroads, and avowed the intention to insure equitable taxation.

In the convention's action to designate candidates, Dr. Hugh J. Glenn was nominated for governor, David C. Reed for lieutenant governor, and Nathaniel Bennett for chief justice.\textsuperscript{15}

The Democratic Party opened their state convention July 1st at Sacramento. Their platform included the now-traditional anti-Chinese position, incidentally pointing out that the national Republican party was the party of the administration which made the Burlingame treaty admitting Chinese, and it was a Republican president who vetoed the bill passed by the Democratic congress to prohibit further Chinese immigration.\textsuperscript{16}

The Democrats pledged to support the new constitution and to administer the government in accordance to the spirit and letter of that document. There was also a plank declaring that the railroads and other transportation corporations should be subject to state regulation of rates and fares.\textsuperscript{17}

The platform was adopted by the convention without opposition. A resolution was then introduced, "... that no candidate could be eligible for nomination ... who is

\textsuperscript{15}Davis, \textit{loc. cit.}

\textsuperscript{16}Hittell, \textit{op. cit.}, p. 641.

\textsuperscript{17}Davis, \textit{op. cit.}, p. 418.
now affiliating with any party in opposition . . . to the Democratic party." This resolution created considerable excitement, but lost by a vote of 290 to 67.

Dr. Hugh J. Glenn, the New Constitution Party nominee, received the Democratic nomination, without opposition, with Levi Chase being named for lieutenant governor and Robert F. Morrison for chief justice.18

An unsuccessful attempt was made by the Democratic and New Constitution Party to consolidate their state tickets. On July 15th the New Constitution Party committee considered the question of the advisability of taking Glenn from their ticket, but they decided to let him remain. The next day, the Democratic committee considered the same proposition, and Glenn was called before them when he avowed that he had first been nominated by the New Constitution Party and, in justice, was obligated to support their platform and ticket. The committee, however, by a vote of sixteen to zero, determined not to take his name from the ticket.19 So it was that Californians witnessed the unusual spectacle of a standard bearer being named by the Democratic party who openly declared he would not vote the Democratic ticket.20

The support given Dr. Glenn by the San Francisco Chronicle was expected, since the editor, De Young, had been

18Ibid., p. 417.

19Ibid., p. 420.

20Hittell, op. cit., p. 644.
the principal force behind the New Constitution Party. The opposition papers spoke out scathingly in their campaign blasts against Glenn. The *Sacramento Bee* characterized him as, "... the great Colusa land grabber ..." who had been nominated by "... several Democrats and a few weak-spined Republicans of the New Constitution Party."\(^{21}\) The San Francisco *Evening Daily Bulletin* called Dr. Glenn a champion political acrobat nominated by the H. B.'s \(\equiv\)Honorable Bilks, i.e., New Constitution Party\(\equiv\) who had accepted the nomination without even seeing the New Constitution Party platform and then, a week later, accepted the Democratic nomination.\(^{22}\) The *Morning Call* commented that the nominees of the New Constitution Party were men of fair repute: "Dr. Glenn, the nominee for governor, is a respectable representative of the land monopoly interest."\(^{23}\) De Young replied to the *Bulletin* and the *Call*, "... hope of success from deliberately false statements ... in the idiotic expectation of killing off the Chronicle and getting its business ... and defeating the new organic law."\(^{24}\)

The Republican nominee, George C. Perkins, was accused by the *Morning Call* of being the slave of the

\(^{21}\) *Sacramento Bee*, June 27, 1879, p. 2.


\(^{23}\) *The Morning Call* \(\equiv\)San Francisco, June 28, 1879, p. 2.

\(^{24}\) *San Francisco Chronicle*, September 1, 1879, p. 2.
monopolies, one of those men who "... belong, body and boots to the overshadowing and crushing corporations of the state." The Chronicle was more explicit, charging that the nomination had been agreed upon between the Republican machine and the Central Pacific Railroad, and the labelling of Perkins as "... the 'dark horse' was a myth to the unwary, a scheme to oppress the people." The Morning Call said that the steamboat monopolist, "... floating coffin Perkins, ought to have been the candidate for coroner in this city." The Call, who supported White, the Workingmen's candidate, quoted Kearney's assertion that "... a vote for Stanford would be better than for Perkins, because Stanford had stolen all he wants." The Chronicle also attacked the Republican nominee and his party, saying their convention delegates were elected, "... by the aid of paid hirelings, bullies and 'repeaters' ... the money provided by the railroads monopoly ... who have pecuniary interest in nullification of the new constitution." The fight between the Chronicle and Kearney, who was supported by the Bulletin and Call, was quite hot. The Placer Argus

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25 The Morning Call /San Francisco/, July 16, 1879, p. 3.
26 San Francisco Chronicle, June 19, 1879, p. 2.
27 The Morning Call /San Francisco/, June 23, 1879, p. 3.
28 San Francisco Chronicle, June 28, 1879, p. 2.
commented that, "Kearney is standing the Chronicle off so beautifully that the chance for honest men to be elected brightens daily. . . . the rabble will follow Kearney, and the disloyal element of the state will train under the banner of the Chronicle."²⁹

The exchanges between De Young and the other pro-Republican or pro-Workingmen's parties did much to weaken Glenn's position, since many of the papers in the state were up in arms against the Chronicle. The Marysville Daily Appeal made the sarcastic comment that the major "... parties will no doubt disband ... and say to the 'Honorable Bilks' take control of the state and save it."³⁰

The campaign degenerated from warm discussion to personal attacks on candidates as these editorial comments seem to indicate. During the gubernatorial campaign, the Workingmen's candidate for mayor of San Francisco, the Rev. I. S. Kallock, was attacked by the San Francisco Chronicle, and a heated personal discussion between De Young and Kallock followed. On August 23rd, two weeks before the election, De Young shot and seriously wounded Kallock. Considerable excitement was generated by the assault, but Kallock recovered and was elected mayor by a large majority.³¹ This attack on

²⁹The Placer Argus /Auburn, California/, June 14, 1879, p. 4.

³⁰The Daily Appeal /Marysville, California/, June 15, 1879, p. 2.

³¹Davis, op. cit., p. 420.
a popular local figure by De Young did little to help the cause of Glenn, since the public sentiment reacted strongly against the Chronicle, the principal support of the New Constitution Party. Had Glenn been able to capture a reasonable share of the San Francisco vote, the outcome of the election might have been quite different.

Perkins's election by a plurality of more than 20,000 votes was a reversal of the vote on the new constitution, presenting the anomaly of the voters electing a man to administer a constitution to which his convictions and principles were opposed. Perkins, some years later, wrote of the views he had held on the new constitution at the time of his campaign and election:

... it had been hastily conceived by the people in the convention, that perhaps in cooler times would not have been selected to make the constitution. ... I among others didn't support it. When it became the organic law ... we bowed in submission to it, but those who had been its champions had no mercy to show us; therefore, my contest [for governor], was one of great feeling.\(^{32}\)

A corporation head and capitalist, Perkins had been chosen by the very people whose outcry had been against capital and corporations.\(^{33}\) The campaign had been hot and vigorous, but the Republican victory had been complete in


\(^{33}\)Hubert Howe Bancroft, *Biography of Men Important in the Building of the West* (San Francisco: The History Company, 18__), p. 11.
both executive and legislative branches of the state government.

In accordance with the new constitution, the next legislature met in Sacramento on 5 January, 1880. On January 6th, outgoing Governor Irwin presented his last message. Commenting on the new constitution, he noted "... that no other method was so effective to secure the repeal of an unwise or oppressive law as its strict enforce­ment."34 George C. Perkins's inauguration as Governor of California took place before a joint convention of the legislature on January 8th, and the first administration under the new constitution had commenced.35

34 Hittell, op. cit., p. 646.
CHAPTER VI

INAUGURAL ADDRESS

In the campaign for governor, there had been considerable agreement on platforms between the four political parties. In fact, that was so much so that one party, the Democrats, had also used the candidate of the New Constitution Party. The four party platforms had many planks which were nearly identical, yet the actual group positions on many of the key issues were in complete disagreement if past performance could be used to judge. A leading Republican candidate, Swift, had lost the gubernatorial nomination when he had admitted his views were not in agreement with the party platform. It would seem that the platforms were written, more so than usual, to appeal to the voter with little regard to the true party position. If there was some disagreement within the parties and considerable similarity between parties, then what was to be the real intention of the new administration? What was to be expected from the new Republican administration under Governor Perkins? Campaign pledges and promises are quickly forgotten after the votes are counted. Governor Perkins's inaugural address provides an overview of his position and some of the goals for the new administration. The San Francisco Chronicle commented that it seemed more like an annual message, both
in length and substance, than an inaugural address.\(^1\)

Perkins's remarks indicated that his views toward the new constitution were conservative, as he urged that legislative changes should be enacted so "... as to cause the least possible friction in the social and business system."\(^2\) He spoke of the protection that must be extended to protect both capital and labor by the government: "... the more thoroughly and entirely that government encourages and protects capital, the nearer does it approach perfection."\(^3\) This was in sharp contrast to the language of the platform, which had called for the enactment of legislation to meet the spirit and intent of the new constitution in regulating corporations and banks. The *Alta California* suggested that Perkins's language raised doubt whether some mistakes had not been made by anti-monopoly reformers in the new constitution, but that it appeared to be his intention to execute the new organic law.\(^4\)

The use of state prison labor was to be restricted, so as not to conflict with free labor. He proposed that it would be appropriate to raise jute and manufacture burlap

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\(^1\) *San Francisco Chronicle*, January 9, 1880, p. 2.

\(^2\) *California, Governors Inaugurals California 1849-91* (Sacramento: State Printer, 1891), /Perkins/, p. 2.

\(^3\) *Ibid.*, p. 3.

\(^4\) *Alta California /San Francisco?*, January 9, 1880, p. 3.
bags at low cost with prison labor. This had been first proposed by the Grangers to meet the demands of the wheat and grain farmers. Little else was said about agriculture, except that Congress should be memorialized to establish a branch on the Pacific coast of the United States Agriculture Branch.

Legitimate mining should be fostered, but the stock speculator must not be allowed to prey on the investor; the fact that the collapse of the silver mining stock had been responsible, in part, for the economic depression in California in 1877-78 was not forgotten. The best interests of the state also required that the debris question be settled upon some broad and comprehensive basis. Perkins had earlier owned a boat on the Sacramento River and was personally familiar with the restriction to navigation that "debris" could create. This was to be a subject of special concern during his administration.

During the recent campaign, Perkins's supporters had made much of his competition, as a ship owner, with the railroads and his desire to regulate rates and fares. The new constitution had established the Transportation Commission, with elected railroad commissioners to administer

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5 Governors Inaugurals, *op. cit.*, p. 4.


the railroads. Perkins expressed the hope they would be able to effect "... a more harmonious relation between the transportation companies and the people whom they serve." Perkins said that enabling legislation must be first provided, since the provisions of the new constitution were not "self-executing," and the effect desired by the farmers could not be met until this was done. It appeared that the Railroad Commissioners were about to suffer the same fate as their most immediate predecessors; they would be unable to function due to lack of legislative support.

A major issue during the constitutional convention and the gubernatorial campaign had been taxation. A provision of the new constitution provided for a tax on mortgages on which Perkins spoke, "... it will not produce any additional revenue, and will operate--for good or evil between borrower and lender." It was the intent of the new constitution to tax all real and personal property, including credits, franchises, bonds, and stocks. Perkins felt this tax was proper and laws should be passed to carry this out. However, he felt that the stocks and bonds of corporations should be taxed, not those of the individual, since this would be double taxation. Perkins believed that

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8 Ibid., p. 6.
9 Ibid.
10 Ibid., p. 7.
to prevent double taxation an assessment should be made of all a company's stock at its market value, from this deduct the assessed value of real and personal property of the company; the corporation would then pay tax on the balance. This would result in equitable distribution of the tax assessment among the stockholders.\textsuperscript{11} He favored a tax on personal incomes exceeding five thousand dollars, thus imposing the burden of taxation upon those most able to bear it.\textsuperscript{12}

Perkins's position on the Chinese question indicated there should be little doubt that there was complete agreement among the people of the state regarding a policy against Chinese immigration. There must be some adequate restriction imposed without delay, to prevent further Chinese immigration to California.\textsuperscript{13}

On the question of land monopoly, Perkins recognized that large tracts of land were held by private owners and that public prosperity might be better promoted by division and sale of these large tracts to settlers. However, he felt that the state could not exercise her right to eminent domain and condemn them, for it would be appropriation of private lands for private purposes.\textsuperscript{14} The Sacramento Bee,

\begin{itemize}
\item \textsuperscript{11}Ibid., p. 8.
\item \textsuperscript{12}Ibid.
\item \textsuperscript{13}Ibid., p. 9.
\item \textsuperscript{14}Ibid., p. 11.
\end{itemize}
which had been a most ardent supporter of Perkins, felt that the governor had taken a stand which would promote the division of the large land holdings when he stated he would approve any legislation passed which would provide for such action.  The Marysville Daily Appeal was quick to take exception to the Bee and the governor. He had said that the state could not condemn private property for private use, "... this evil [large land holdings] must be left to time for its eradication."16

This was a retreat from the party platform and was quite contrary to the position that both the Bee and the Daily Appeal had taken regarding land monopoly. These papers had long been foes of land monopoly; the position Perkins had taken was a repudiation of land reform. The Daily Appeal went on to say that if the governor would give more thought to the question he would be "... persuaded that large landed estates can be divided without the consent of owners, else they would never be divided."17

This apparent change in policy and position was a shock to those upholding the liberal views of these newspapers; they had supported a candidate who now expressed a strong conservative position on private property and had taken a reactionary

15 Sacramento Bee, January 9, 1880, p. 2.
16 Marysville Daily Appeal, January 10, 1880, p. 2.
17 Ibid.
position quite contrary to their own.

This review of Perkins's inaugural message had provided an overview of his position on many key issues. There could be little doubt that his administration was to be conservative. His own interests as a corporation president, member of the board of directors of several banks, large land holdings, and as principal owner of the largest coastal steamship company on the west coast made this an almost certainty. The state legislature was also under conservative Republican control so that, from the outset, it appeared that the first government under the radical new constitution would be conservative rather than a reform administration under a new constitution.
CHAPTER VII

LEGISLATIVE ACTION

The primary condition affecting the course of the new legislature was that the Republican party controlled a majority in both the state Senate and Assembly. In the establishment of the standing committees, which held hearings and passed on the proposed legislation, an indication was provided of the control exercised by the dominant Republican party. In the Senate, the Commerce and Navigation Committee, with five members, had four Republicans and one coalition member who had been elected by the Workingmen's, New Constitution, and Prohibition parties. The same committee in the Assembly consisted of three Republicans and two Workingmen, still safely in the hands of the conservative element. The important Senate Committee on Corporations, which had nine members, had a majority of six Republicans with only two Democrats and a lone representative from the Workingmen's party. That committee's counterpart in the Assembly had a majority of six Republicans, two Democrats, and again a

1California, Journal of the Senate, 23rd Session, 1880 (California: State Printer, 1880), p. 34.


3Journal of the Senate, 23rd Session, op. cit., p. 34.
single representative from the Workingmen's party. The pattern of domination by the Republican party was found in the political composition of the membership of every committee. There was little question that the Republican party had positive and complete political control of the legislative branch of the new state government.

In passing, it must be noted that the judicial branch of the state government was not controlled by the Republicans; there was but a single Republican Associate Justice on the State Supreme Court. The other five Associate Justices and the Chief Justice were coalition candidates affiliated with the Workingmen's, Democratic and Prohibition parties. The political composition of the court was quite different from the rest of the elected state government.

The new state legislature had done little more than complete its own organization with the election of leaders, appointment of standing committees and adoption of house rules, when the influx of bills started. Again, the same issues that had consumed so much time, with so little agreement, in the recent constitutional convention were reflected in bills presented for consideration. Many of these bills

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failed to reach the floor of the Senate or Assembly since they were unable to clear the appropriate committees.

One of the provisions of the new constitution required that every bill be read three times before it could be passed, signed by the governor and become law. This consumed much valuable time and put the legislature far behind schedule. There was considerable debate in the interpretation of the working of the constitutional article: Did the reading refer to the title or the entire bill? As a test case, an act authorizing transfer of $350.00 from the general fund to the school fund was, after being read the first and second times only by title, passed by both houses and approved by the governor.\textsuperscript{7} The \textit{San Francisco Chronicle} commented that if the members of the legislature would not waste so much time during the session there would be time to read the bills in length, "... it is monstrous that any bill could become law without a single reading in full."\textsuperscript{8} The State Supreme Court decided that the constitution required a full reading at length on three separate days. The enforced full reading of the bills took much more time, with questionable results. The speaker of the Assembly remarked at the end of the session, "... no court could compel anybody to listen,"

\textsuperscript{7}Ibid., p. 650.

\textsuperscript{8}\textit{San Francisco Chronicle}, January 10, 1880, p. 2.
and that it was regrettable that anyone asked the court.9

The new constitution required that a number of changes be made in the existing codes of civil and criminal laws so that they would be in agreement with the new fundamental law of the state. Governor-elect Perkins and Governor Irwin, shortly after the election, had appointed an unofficial commission to prepare bills and recommendations to the legislature regarding the necessary changes to the codes. This commission would not draw up bills on any change which would be a question of public policy or on any subject which there would be sharp or radical differences of opinion.10 When these bills were introduced, they had little or no opposition and were quickly passed. This legislative action resulted in a complete remodeling of the codes of civil procedures and to a lesser degree on all the other codes.11

As was to be expected, a large number of anti-Chinese bills were introduced and passed. There was a law to promote Chinese emigration from the state; an act for the forced removal of Chinese outside the limits of cities and towns; an act to prohibit the issuance of licenses to Chinese; amendments to the penal code making the employment of Chinese by


10California, California Governors' Messages, Biennial, 1865-89 (California: State Printer, 1889), Irwin, 23rd Session, 1880, pp. 37-38.

corporations a misdemeanor; and numerous other propositions aimed at these "celestial sons of the Orient." Governor Perkins signed these measures into law, but in every instance where these laws were legally tested the courts subsequently declared them unconstitutional. There was no lack of desire on the part of the legislature; their position was quite clear. The Assembly even granted the use of its chamber to a Baptist preacher to lecture against Chinese immigration in the evening.

During the constitutional convention and the gubernatorial campaign there had been much vehement discussion on tax equalization. The new constitution had created a State Board of Equalization that was charged with maintaining equal assessments in the several counties. When the board proposed to increase the assessed value of certain property in San Francisco to its true value it was prohibited from doing so by the Supreme Court. The court ruled that the power was not vested in the board. Governor Perkins asked the legislature to consider recommending a constitutional amendment to the voters to correct this problem.

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12Ibid., pp. 652-53.

13California Governors' Messages, op. cit. [Perkins], 24th Session, 1881, p. 32.

14Journal of the Assembly, 23rd Session, op. cit., p. 70.

15California Governors' Messages, op. cit. [Perkins], 24th Session, 1881, p. 7.
Dennis Kearney, president of the Workingmen's party, had been campaigning among his party's representatives on the Assembly floor for the support of certain bills. When a vote was taken to clear the floor, Kearney, in a fit of anger, threatened one of the members because of his vote. When this became known to the Assembly, a resolution was adopted excluding Kearney from the Assembly chamber, galleries, lobbies, halls and all committee rooms for the remainder of the session.16

Senator Kane, while speaking on the drainage bill, announced that an attempt to bribe him had been made with $500.00 offered to vote for the bill. He refused to name the person and the Senate appointed a committee of investigation. In his testimony to the committee, he still refused to divulge the name and was cited for contempt. The Senate sent him to the county jail where he remained about a week, until the end of the session.17 It did not appear that the restriction in the new constitution on lobbying was very effective.

Governor Perkins commented in his second message to the legislature that a large number of the laws and amendments to the codes passed by the first session had been declared unconstitutional.18 The action of the courts did

16Hittell, op. cit., p. 654.
18California Governors' Messages, op. cit./Ferkin&&, 24th Session, 1881, p. 1.
much to negate the efforts of the first legislative session under the new constitution. Another example was the McClure Act, which provided for the organization, incorporation, and government of merged and consolidated cities and counties with over 100,000 population. The measure would have provided San Francisco with the basis for an interim government until a Freeholders' election could be held and a permanent charter presented to the people for approval.\(^\text{19}\) The legality of the McClure Act was questioned, however, and the Supreme Court ruled that it was a special legislative act, and the legislature was forbidden by the new constitution from passing such acts.\(^\text{20}\)

Theodore H. Hittell, a Republican member of the Senate representing San Francisco, commented in his *History of California* on the work of the first legislative session under the new constitution:

*Had a considerable majority of each house been elected by the same vote that adopted the new constitution, or had the same influences been predominant that in great part prevailed in the constitutional convention of 1878-79, the result might have been different. Fortunately the conservative element preponderated, and the main purpose of the majorities in each house was to stay the tide of encroachment and preserve existing institutions as far as could be done under existing circumstances. The dominant party had as a general rule opposed the new constitution; but, after*

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\(^{20}\)Ibid.
its adoption, they recognized it with all its provisions as the supreme law of the land. They, however, insisted that it was to be interpreted as essentially a conservative instrument; and they managed to make good their conservative claims with conservative votes. . . . hardly anything in the way of important legislation could have been smoother than the manner in which most code amendments were adopted. . . . in the management and discussion of matters of contention, though there were occasional exhibitions of sectional prejudice and sometimes of political or individual passion. . . . no one was very angry. . . . under the circumstances which they were brought together. . . . and work they did. . . . great praise is due to them.21

The Speaker of the Assembly, in the final meeting of the Twenty-Third Session, said that the Assembly had been accused of being opposed to the new constitution, and the majority was " . . . elected to mistify its provisions."22 The legislature adjourned on 16 April, 1880, having exceeded by three days the constitutional limit of one hundred days for the session.23

In accordance with the new constitution the legislature met again on 3 January, 1881. One of the body's first acts, after organizing and electing its officers, was the election of Republican John F. Miller as United States Senator to replace Newton Booth. The vote was on party lines, Miller receiving sixty-nine of the 120 votes.24 The Republicans

23Ibid.
still exercised political control of the legislature. Miller was active in the United States Senate in obtaining ratification of a modification of the Burlingame treaty to restrict Chinese immigration.25

Governor Perkins presented a special message on the drainage or debris question on 13 January, 1881. He declared that the state had an obligation to the farmers to prevent the overflow and flood of their land. Work had to be done to restore the carrying capacity and navigability of the waterways and at the same time permit the continuance of mining which was a great source of wealth to the state.26 His request for more legislation was not only rejected, but in the Senate they voted thirty-four to six to repeal the Drainage Act of 1880; however, the Assembly refused to pass the repeal act by a narrow vote of thirty-nine to thirty-five. This made little difference since the act was declared unconstitutional by the Supreme Court in July, 1881.27

The new constitution required that legislative sessions be limited to sixty days or their pay limited for that period, so that the legislature was determined to adjourn on March 4th. There was much unfinished business, not the least being the general appropriation and tax levy bills. Governor

25 Bancroft, op. cit., p. 419.
26 Hittell, op. cit., pp. 660-61.
27 Ibid.
Perkins accordingly called the first extra session starting 4 April, 1881. The Governor's purpose was to permit passage of bills for general and deficiency appropriations, for tax levy, apportionment and a general road law, and the confirmation of executive appointments.

The two houses met and bills were introduced to meet the goals set forth by the governor. A special appropriation bill for payment of expenses of the extra session was passed and sent to the governor. When he approved this he supposed that the session would not last past the twenty days. At the expiration of that time, neither the general appropriation nor the tax levy bill had been completed and, instead of twenty days, the legislators were in session thirty-nine days. When an amended bill to pay for the extra time was sent to the governor, he vetoed it; however, the two houses successfully voted to overrule his veto. The general appropriation and tax levy bills were passed and signed into law, as was a bill relating to highways and roads. Governor Perkins exercised the "item veto" granted under the new constitution to strike out several items in the appropriation bill, and he vetoed the highway and roads

29Hittell, op. cit., p. 662.
30Ibid.
31Bancroft, loc. cit.
This special session was to be the last of the Perkins's administration. It had been a success even if it had taken almost twice as long as the governor had planned. It had passed the appropriation bill and established a tax levy for a solvent government. In answer to the critics of the legislature, the Speaker of the Assembly had this to say:

I fear the public do not fully realize the difficulties surrounding the legislature under the present constitution. I would challenge the highest intelligence to frame the necessary laws in sixty days, let alone getting eighty men to agree to them. . . . What are legislators to do--make unconstitutional laws or disagree? What could they do but the latter? I believe the day is near at hand when the constitution will be stripped of its evils by the voice of the people through the legislature or in a convention. Evil must be the state of affairs so long as it exists unchanged. 32

Governor Perkins on 9 January, 1883, in his farewell to the newly elected legislature, reviewed what had taken place during the previous three years, commented on the results of his administration, and made his recommendations to the new legislature. 33 He noted that in the past fifteen years expenditures for education had averaged only $275,000 annually, while in the current year the figure had risen to $2,029,974. The expenditures for all purposes had averaged


33 Hittell, op. cit., p. 664.
$3,633,902 the past five years, while during his administration they had averaged $4,244,038, an increase of only $610,136. Perkins pointed out with some pride that this increase was due, for the most part, to the growth in population requiring greater outlay for public education, for care of criminals, and for those charities which embrace the deaf and dumb, the blind, the insane and the wards of the state.34 He had paid $218,000 of debits due when he had become governor, and had left none for his successor. The legislature of 1880 appropriated $414,000 more than it had levied in taxes. The tax levy for 1881 had to be raised from the 1880 level of fifty-nine to sixty-five and one-half cents per hundred dollars to pay for this deficiency. The last legislature paid off the debts, and the tax levy for 1882 was reduced to fifty-nine point six cents and Perkins believed it possible to reduce the rate to fifty cents per hundred.35

The state prisons during his administration had become substantially self-supporting; the jute mill making grain sacks had been successful, the products were superior to the imported ones, and the "... sack monopoly has been destroyed." He felt there would be no further appropriations necessary for state prison purposes, since San Quentin was

34 California, Governors' Messages, op. cit. [Perkins], 25th Session, 1882, pp. 3-4.
Perkins reviewed the action by the State Board of Equalization, pointing out its constitutional purpose had been the equalization of property assessment in the state. A defect in the law and the decisions of the Supreme Court had prevented the board from raising property assessments to their true value. The assessments of 1881 and 1882 had not increased in proportion to the increase in material wealth in the state for the same period. In fact, the assessment of 1881 was below that of 1880 by $36,278,541, and the next year dropped $18,879,564. Perkins asked that the new legislature do something to check the tendency of county supervisors to reduce assessments and of assessors to undervalue property and take advantage of the state.

In the campaign of 1882 in California, Governor Perkins was not renominated by the Republicans; their gubernatorial nomination went to Morris M. Estee, while George Stoneman received the Democratic nomination. The New Constitutional and Workingmen's parties had dropped from the state political scene since the preceding election. The National Greenback labor party nominated Thomas McQuiddy and the Prohibitionists nominated Richard McDonald. So, once again, California's electorate had four party candidates from which

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36 Ibid., p. 12.
37 Ibid., p. 11.
to choose the next governor. On 7 November, 1882, the Republican candidate received 67,175 votes; the Prohibitionist, 5,772; the Greenback, 1,020; and the Democratic candidate, Stoneman, received an overwhelming victory vote of 90,694. The conservative Republican administration of George Perkins was replaced by the Democratic administration of General George Stoneman, and the resounding voter rejection of the Republican candidate may be interpreted as a final public reaction to the record of Perkins and his party for failing to sustain the popular reform demands which had been so strongly expressed in the year of his election.

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38 Hittell, *op. cit.*, p. 666.
CHAPTER VIII

CONCLUSIONS

The social and political unrest in the period between 1875 to 1880 gave rise to a political reform movement which resulted in the adoption of a radical new constitution in 1879. This new document was to be the answer to the several problems which a changing California faced. The need for reform was present: the problem on control of the railroads and the other large corporations and banks, the land monopoly problem, the high unemployment rate, and the least problem not being the Chinese immigration.

The established political parties, the Republican and Democratic, had failed to respond to the political needs of several large segments of California's population. The railroads, and in particular the Central Pacific-Southern Pacific combine, early in the 1870's dominated the economic scene and had become involved in both state and national politics.

The farmers, who objected to what they called unfair and discriminatory freight rates, were first to establish an independent political arm. Their success in the election of the anti-railroad spokesman, Newton Booth, as governor and later as United States Senator, was significant in that the domination by the established political parties was overcome.

The changing labor market, faced with the economic depression of 1876-77 and the increased availability of
cheap Chinese labor, found many white workers unemployed. These unemployed workers, organized under the militant leadership of Dennis Kearney, became a political force which demanded immediate reform. Their rally cry, "The Chinese must go!" with support from other segments of the population, provided the impetus to the reform movement which resulted in the new constitutional convention.

The political composition of the California constitutional convention of 1878 was unique. The Democrats and Republicans made an attempt to organize a fusion against the Workingmen's party but were unable to agree among themselves. The Workingmen's party, in a weak alliance with the Grangers, was successful in obtaining their reform goals in many instances by forcing concessions and compromises from the Democrats and Republicans who could not muster a working majority.

After the approval by the voters of the new document, there was an effort by the old political parties, who had been opposed to the new constitution, to gain control of the state government and to administer the new organic law. To prevent administration by those who had most recently been in opposition, the New Constitution Party was organized. Its membership was drawn, for the most part, from the already weakened Democratic party. The results of the election were a disappointment to the reformers and supporters of the new constitution. They were divided among themselves and their votes scattered on all four tickets and, as a result, the
conservative Republicans won.

George Perkins's nomination by the Republican party had not been a matter of chance; he was chosen as a compromise candidate to appeal to the voters. He conducted a vigorous personal campaign in which he exercised considerable care in his comments to the voters and the press as to his views on the issues of the day. The election of a conservative Republican majority in the state legislature assured the sabotage of any legislation proposed to carry into effect any provisions of the new constitution which was contrary to the established interests. With Republican control of key committees and the use of indefinite postponements, unfavorable acts were killed before they reached the floor of the house.

The Railroad Commission established by the new constitution was not any more successful than its predecessors in regulating or controlling the railroads. Instead, the railroad continued to control the agency which was established to control it, and, in fact, maintained a little-disturbed system of control of California's politics until 1911. The efforts of the legislature and the new governor to solve the Chinese problem and prevent any further immigration were declared unconstitutional by the courts. The control and regulation of both the Chinese and the railroads had to wait until later when the federal government established new national regulatory provisions in these areas.

The administration of the reform constitution by the
conservative Republican party frustrated any real reform which might have resulted in reorganization and redirection of the political and economic forces of the state. The reformers had forced the new constitution on the state but were unable to maintain a political force capable of enforcing the new organic law. By the time of the gubernatorial elections of 1883, neither the Workingmen's or New Constitution parties had a candidate for governor. The parties had disappeared and politics in California were in the control of the Democrats and the Republicans and the not insignificant influence of the Southern Pacific Railroad. As the wise and cynical Plunkett of Tammany Hall later expressed it, the reformers were like "morning glories" which bloomed briefly in the morning sun and just as quickly folded up in the same day's sun.
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