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Against the Vigilantes



Charles P. Duane, about 1880.
California State Library.

Against the Vigilantes
The Recollections of Dutch Charley Duane

Edited, with an Introduction and Notes, by
John Boessenecker

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For my compadres William B. Secrest and Kevin J. Mullen

Charles P. Duane has for years been a disturber of the peace of this community by repeated assaults, often with deadly weapons, upon unoffending citizens, and by his interference with our elections.

San Francisco Committee of Vigilance, 1856

Duane's reputation for lawlessness and brutal aggression has long been established in California.

Bret Harte, 1866

Charley Duane was a man of extraordinary character. No charge of dishonest nature . . . was ever brought against him. But he was somewhat prone to fight, and this was the worst that could be charged upon him.

James O'Meara, 1887

Charley was always fond of a fracas.

Hubert Howe Bancroft, 1887

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Introduction

The Violent Life of Charles P. Duane

Outlawed twice by the San Francisco Committee of Vigilance, first in 1851 and again in 1856, Charles P. "Dutch Charley" Duane was one of the most colorful and controversial figures of the California Gold Rush. He played many roles in his life: politician, fire chief, election rigger, bare-knuckle boxer, gambler, saloon-keeper, gunfighter, and land squatter. As the chief enforcer for California's urban Democratic political boss, David C. Broderick, Dutch Charley rose to the heights of power and prestige in San Francisco until his ignominious downfall at the hands of the vigilantes in 1856.

San Francisco's 1851 and 1856 Committees of Vigilance were the two largest and most important movements of vigilantism in American history. Many writers have examined their actions and debated their motives; whether or not the San Francisco vigilantes were morally justified has been the subject of dispute for more than 140 years. The twin problems of crime and social unrest confronted by the vigilantes are still with us, for today Americans are rightly concerned with violent crime in their communities and the appropriate response to it. Law enforcement agencies increasingly employ a nineteenth-century police techniquecommunity-based policingand encourage citizens to help suppress crime in their neighborhoods by reporting suspicious persons and occurrences. At the same time, police discourage the public from actually making arrests and advise citizens to leave law enforcement to the professionals. An oft-expressed fear is that citizens who endeavor to fight crime personally will become vigilantes.

The term *vigilante*once worn with pride by members of the San Francisco committees who were issued ornate certificates, ribbons, and medallions to commemorate their servicehas become a dirty word. Today, citizens who use deadly force to defend themselves

against crime and crime victims who retaliate against those who have preyed on them are frequently called vigilantes. Both characterizations are wrong. Vigilantism in America has historically been something altogether different.

What, then, is vigilantism? Why did San Franciscans resort to it more than a century ago? Was it right or wrong? Given modern America's concern with crime and violence and the debate over the public's proper role in suppressing it while protecting basic civil rights, a clear understanding of vigilantism and the part it has played in American history is just as important and relevant today as it was in the Gold Rush. Thus, it is both timely and appropriate to examine America's most important vigilance movement through the eyes of one of its most ardent opponents, Charles P. Duane.

In order to understand more fully the San Francisco movements in particular and American vigilantism in general, one must study the men who were targeted by the San Francisco vigilantes. So far scholars who have examined the Committee of Vigilance of 1856 have tended not to do this, ¹ perhaps because these men were obscure and information about them is not readily available. Charley Duane is the only one of those deported by the vigilance committee known to have left an account of his experiences during the 1850s. For the most part, the ruffians who were executed or banished by the vigilantes in 1856 have been glossed over by vigilance writers. Current historians have tended to focus on the broader economic, ethnic, and political themes which underlay the 1856 committee without examining those who were arrested by the vigilantes in order to consider whether they were guilty of public offenses and deserved punishment. This is an oversight which I seek to address.²

This volume, which examines the colorful life of Charles P. Duane and republishes his recollections of 1850-1856, is one step toward a more complete understanding of American vigilantism.

CHARLES Patrick Duane was born in Tipperary, Ireland, in December 1827. He had four brothers, Thomas, Edward, John, and James, and two sisters, Mary and Katy. The family emigrated to America about 1836 and settled in Albany County, New York. The Duanes were devout Roman Catholics. Charley's sisters and his younger brothers John and James practiced the faith their entire lives, but Charley seems to have been indifferent to religion. He left home at age fifteen and apprenticed himself to a wagon maker in

New York City. He soon joined a volunteer fire brigade and began to "run with the engines." 3

Such volunteer fire companies were the focal point of social life for young urban males. Fire was one of the greatest dangers of city life. The proliferation of oil lamps, coal stoves, and cheap wood houses combined to make burgeoning cities of the East Coast veritable tinderboxes. Increasingly, beginning in the 1830s, the volunteers were young working-class males. The result was a fundamental change in the organization of these fire companies. Young men from the same neighborhoods, of shared ethnic, religious, and political backgrounds, built hose and engine houses. There they congregated, drank, gambled, and sparred. These fire companies competed with one another, sometimes racing to be first at a fire. But often they competed in the same way as urban gangs, brawling with each other at fire scenes, damaging their adversaries' equipment, and occasionally setting blazes and ambushing a responding rival company.⁴

With their fancy uniforms and lavishly decorated engines, shown off to full advantage in parades, political rallies, and funeral processions, the fire companies were focal points of neighborhood and ethnic pride. Politics became enmeshed in the fire brigades; no local politician stood a chance of election unless he was a member of a volunteer fire company.⁵

For working-class youths like Duane, life consisted of hard labor with minimal opportunity for leisure and pastimes. With urban industrialization, the ancient master-apprentice system declined and workers lost the sense of pride in their craft along with opportunities for moving up, for achieving master status. They lost a certain control over their lives. As a result, in the urban centers of the East Coast, an entire class of young men rejected the old notions of hard work, loyalty to the employer, frugality, sobriety, and self-restraint. Pursuit of leisure, rather than work, came to be a primary goal in life for many working-class males. Before the growth of organized sports in the late nineteenth century, young men in peacetime had few outlets for their competitive, combative, and physical energies. That void was filled as they congregated in saloons, firehouses, political clubs, and militia companies. And leisure was spent imbibing, wagering, sparring, politicking, and whoring. In this cult of masculinity the ethic of personal honor was all-important.

Honor was a vital component of life for the nineteenth-century male and was embraced by men of all classes and all geographical

areas. It was manifest in the *code duello* of the southern planter, in the "Code of the West" on the frontier, in the refusal of pugilists and feudists to run from a fight; and it was codified in the legal doctrine of self-defense, "no duty to retreat." Honor meant courage, character, loyalty, respect for womanhood, and especially, a resolve to never back down from an enemy. Conversely, drinking, gambling, fighting, and whoring were not dishonorable. A man possessed honor only if his peers said he did. If his peers failed to accept him as an equal, his honor was gone, and only an act of violent retribution or heroic valor could retrieve it. This concept of personal honor is central to an understanding of Charley Duane, and would govern many of the actions in his life. 6

Restless, reluctant to be limited by his Irish heritage, Duane sought power in politics and prestige in pugilism. He scorned the Puritan work ethic, abandoned employment as a wagon maker, and relished a life of drinking, gambling, brawling, and womanizing. Charles P. Duane was, part and parcel, a product of the cult of masculinity.⁷

Courage was bred into Charley Duane and fighting the urban conflagrations so common in that era developed his fearless, even reckless, attitude toward danger. Heavy labor had made the youth tough and strong. Duane became well known as an athlete, particularly as a bare-knuckle boxer. As one newspaperman noted many years later, "While not being a professional pugilist, he was recognized as a man who could make it decidedly interesting for any person with an inclination in that line."⁸

Prizefighting was the most popular spectator sport in antebellum America. From its infancy, pugilism was closely tied to the social underworld. It went hand in hand with gangsterism, drinking, gambling, political violence, and blood sports like cock fighting, rat baiting, and dog fighting. Most bare-knuckle boxers were disreputable and brutal rowdies.

In that era prizefighting was more grudge match than sporting event. Challenges were issued and received in writing, much as in a formal duel. Charley Duane fought his share of bloody "mills," or fist fights. When he bested a German fighter nicknamed "Dutch Charley," Duane's friends appropriated the sobriquet for him. Although boxing champion Tom Hyer jokingly changed it to "German Charles," the appellation "Dutch Charley" would cling to Duane until his death.⁹

