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A Lawyer's Walking Tour of San Francisco

By Gerald F. Uelmen

SAN FRANCISCANS are a litigious lot. Nearly every scandal that has rocked the city is preserved for posterity in the pages of the appellate reports. Scoundrels are immortalized with an “In re” in front of their names. The humblest citizens, as well as the most celebrated, appear with a “v.” between their names. Some of these cases are familiar as “landmarks” of the law. The real “landmarks,” where events chronicled in the cases took place, are just a few steps away. Join me for a brief walking tour of some of the legal landmarks of San Francisco.

1. The Fairmont Hotel
   California and Mason Streets
   We start our tour at the top of Nob Hill in the luxurious lobby of the Fairmont Hotel. The Fairmont is named for James G. Fair, who once planned to build a palatial mansion here, towering over his wealthy neighbors. Those plans fell victim to a bitter divorce. Fair was one of the quartet of lucky Irishmen who struck it rich on the Comstock Lode in Virginia City, Nevada, during the 1870s. Estimates of his fortune ranged upwards from $20 million. Enough, anyway, to buy a seat in the U.S. Senate, where he served a term representing Nevada. He died in 1894.
In his will Fair placed his real property in trust with the income to go to his son and two daughters and on their deaths to be “transferred and conveyed,” one fourth to the descendants of each daughter and one half to his brothers and sisters or their descendants. Fair’s children challenged the will, arguing that the trust was invalid as a trust to convey real property—the real property should go directly to them under the law of intestate succession. The children won in the trial court, but on appeal the California Supreme Court reversed in a four-to-three decision, recognizing the will as vesting an “equitable remainder” in the brothers and sisters. A petition for rehearing was granted, however, and one year later the court issued another four-to-three opinion reversing itself and declaring the will invalid. The change resulted from a switch in sides by Justice Frederick W. Henshaw, who wrote an erudite concurring opinion explaining his action. In re Fair’s Estate, 64 P. 1000, 1003–05 (1901).

Fair’s daughter, Tessie, therefore acquired title to this land and began construction of the Fairmont Hotel. The hotel was nearly complete when the 1906 earthquake struck, and it was engulfed in the ensuing fire. The gutted interior was rebuilt in short order. While Henshaw’s flip-flop raised a few eyebrows, it was largely forgotten for 17 years. Shortly after he resigned from the California Supreme Court in 1917, after 23 years on the court, the San Francisco Bulletin published an affidavit of William J. Dingee, swearing he personally delivered $410,000 in cash to Justice Henshaw as a bribe from the Fair children to get him to change his vote. Fremont Older, publisher of the Bulletin, claimed he confronted Henshaw with the affidavit in a meeting at the Fairmont, and that Henshaw admitted the charge, pleaded with Older not to publish it, and agreed to resign from the bench. Henshaw died in 1929, leaving an estate of $338,000. Not bad, on a salary of $6,000 per year.

2. View of Limantour’s land grant
Crown Room, Fairmont Hotel

Board the glass elevator at the rear of the Fairmont and head for the Crown Room, where you can take a seat on a revolving cocktail lounge or stroll past the panoramic windows. As you drink in the sweeping view to the south, imagine what it would be like to claim ownership of all that valuable land. When José Limantour stood on this same hill in 1858, he surely felt a little dizzy at the prospect of owning three fourths of San Francisco. Even then the land had an assessed valuation of $15 million. Limantour’s claim was based on an 1843 Mexican land grant, and when his claim was confirmed by a board of commissioners set up by the new American government, panic struck the burgeoning city of San Francisco.

Limantour announced he would accept cash settlements from property owners who wanted to quiet title to their holdings. But one property owner felt especially threatened by Limantour’s claims—the United States government. In addition to the 36 square miles lying south of California Street, Limantour claimed Yerba Buena Island, Alcatraz Island, and Tiburon, all regarded as important military defensive positions, as well as the islands of the Farallones opposite the Golden Gate, site of a very important lighthouse. The United States government sent in its best legal talent to challenge Limantour’s claim, a successful Washington, D.C. lawyer named Edwin M. Stanton. Stanton displayed the sort of determination that later made him President...
Buchanan's choice for attorney general, President Lincoln's choice for secretary of war, and President Grant's choice for the Supreme Court. (He was not President Andrew Johnson's choice for anything, and Johnson's attempt to remove Stanton from office directly led to Johnson's impeachment.)

Stanton's investigation revealed a monumental fraud. A detailed account of the evidence can be found in 26 F. Cas. 947 (D.C.N.D. Calif. 1858) (No. 15,601). It included proof that the paper on which one grant was printed was not in existence at the time the grant allegedly was made, as well as the convincing expert testimony describing extensive forgeries.

José Limantour was indicted on criminal forgy charges. He was released on $35,000 bail, and the criminal charges later were postponed pending the lengthy civil challenge to the land grant. Limantour returned to Mexico where he decided to stay once the land grants were proved fraudulent. The sureties who were left holding the bag went all the way to the United States Supreme Court to get their money back, arguing that the stipulation to postpone the trial indefinitely released them from their obligation. Their claim was denied by Justice Stephen J. Field, sitting as circuit judge, 27 F. Cas. 746 (C.C.D. Calif. 1866) (No. 16,138). Justice Field was famous for his consistency. His decision was reversed unanimously by the Supreme Court, in an opinion authored by Justice Stephen J. Field. See Reese v. United States, 9 Wall. 13 (1869).

3. View of Alcatraz Island
Crown Room, Fairmont Hotel

While here, pause a moment to gaze on the barren rock of Alcatraz Island to the north. It is enshrouded with legends, many of which have found their way into law books. My favorite “Alcatraz case” concerns one of the most famous inmates of the federal penitentiary, which occupied the island from 1934 to 1962. For most of those years, Robert Stroud presided over an aviary as the “Birdman.”

How he got there is a curious story, which began with Stroud v. United States, 251 U.S. 15 (1919). While Stroud was serving another sentence at Leavenworth in 1916, he got into an altercation with a guard and killed him with a knife. At his first trial, he was convicted of first-degree murder and sentenced to be hanged, but the conviction was set aside by the circuit court of appeals. He fared better at his second trial. Although again convicted of first-degree murder, the jury returned a binding recommendation against capital punishment. Once again, though, the conviction was reversed, this time by the Supreme Court on a confession of error. At his third trial, he struck out, and this jury was not as merciful. He again was sentenced to death.

In appealing this verdict, he had some persuasive arguments, not the least of which was his claim that the recommendation against capital punishment at the second trial barred imposition of the death penalty after the third trial under the double jeopardy clause. The court rejected the argument, and the death warrant was signed, sealed, and delivered. Only the last minute intervention of President Wilson saved him. Wilson commuted his sentence to life imprisonment, and Stroud put the remaining 43 years of his life to good use.

If you want to get a closer look at his cell, or the cell occupied by Al Capone, the National Park Service offers guided tours several times each day, leaving from Fisherman’s Wharf.

4. Flood Mansion
(Pacific Union Club)
1600 California Street

Back on the ground, leave the Fairmont’s main entrance and walk across Mason Street. There you will find the only Nob Hill mansion that survived the earthquake and fire. It was built in 1886 at a cost of $2 million by James C. Flood, another of the lucky Irish quartet who became known as the “Silver Kings.” Flood wanted to emulate the elegant brownstone mansions he saw on a return visit to his native New York City. The brownstone was shipped ‘round the Horn from a quarry in Connecticut. The elaborate bronze fence that surrounds the mansion once required a full-time servant to keep it polished.

Flood’s only son, James L. Flood, was a notorious playboy in his youth. He married a beautiful actress, named Rose, against his father’s wishes. Six years after their marriage, a baby girl named Constance joined the family. She was greatly petted and pampered. Rose died five years later, and after a year of mourning, James L. Flood married her sister, Maud, and moved into this mansion.

But young Constance was no longer with the family. Her disappearance remained a mystery until James L. Flood died 28 years later in 1926, leaving his widow Maud and their two children. The mystery then was exposed in a suit brought by Constance against the Flood estate. She claimed that she was James L. Flood’s illegitimate daughter by an actress named Eudora Force. She alleged that she had been “legitimatized” when Flood and his first wife took her
into their home as an infant and Flood acknowledged her as his daughter. After Flood’s remarriage, he sent the young girl to a convent, where she was given a new name.

The allegations resulted in one of the most spectacular trials in California’s history. Eudora Forde testified that another playboy other than Flood was Constance’s father, but she was impeached by showing she “switched sides,” renouncing her claim that Jim Flood was the father only when Constance’s lawyer’s “fell behind in their payments” and the Flood family began giving her “regular remittances.” After a three-week trial, the trial judge directed a verdict in favor of the Flood family. His decision was so unpopular that he was unseated at the next election — by the lawyer who had represented Constance! Nor did his decision fare any better when it was reviewed by the California Supreme Court, which reversed the judgment and remanded for a new trial in In re Flood’s Estate, 21 P. 2d 579 (1943). The case then was settled out of court. Constance received her “regular remittances.” After Flood refused to sell his property to Crocker, the railway king built a gigantic 40-foot wall around three sides of Yung’s property. The California Supreme Court upheld a property owner’s right to spite in Western Granite and Marble Company v. Knickerbocker, 37 P. 192 (1894). But times have changed. Section 841.4 of the California Civil Code now declares that one’s spite may not exceed ten feet in height without being declared a private nuisance.

5. Site of Crocker’s spite fence
Taylor and Sacramento Streets

Continue west on California Street. Crossing Taylor Street you may want to stop to admire the Ghiberti doors at the entrance to Grace Cathedral. They were cast from molds of the originals at the Baptistry in Florence. Grace Cathedral took 50 years to complete, from 1914 to 1964. It was built on the site of Charles Crocker’s massive redwood Victorian mansion, destroyed in the earthquake and fire of 1906.

Next to the cathedral, at the corner of Taylor and Sacramento, is the Episcopal diocesan office. At one time this was the site of the humble residence of a Chinese undertaker named Yung. As Crocker saw things, Yung just didn’t know his proper place, which certainly wasn’t to be nestled among the mansions of San Francisco’s elite. When Yung refused to sell his property to Crocker, the railway king built a gigantic 40-foot wall around three sides of Yung’s property. The California Supreme Court upheld a property owner’s right to spite in Western Granite and Marble Company v. Knickerbocker, 37 P. 192 (1894). But times have changed. Section 841.4 of the California Civil Code now declares that one’s spite may not exceed ten feet in height without being declared a private nuisance.

6. Camara’s Castle
223 Jones Street

Go back to California Street and continue west one block to Jones Street. Turn left and go south eight steep blocks, all downhill.

If you look to the right when crossing Coit Street, you will see one of the most bizarre façades in San Francisco, the Alcazar Theatre. It was built in 1917 as a Shriners’ temple. When you get to the humble storefront labeled “Go Go Kitchen Soul Food” at 223, you will not find a front door to match Ghiberti’s. But the Supreme Court held that it still is entitled to great reverence.

On November 6, 1963, Inspector Nall of the Department of Public Health, Division of Housing Inspection, came knocking at this door. When Roland Camara answered, Nall explained that the permit of occupancy for the premises was restricted to commercial use and that he was there to inspect the premises to see if their use was in compliance with that permit. Roland, who was living at the rear of the store, refused to allow the inspector to come in. He then was charged with a misdemeanor violation of a housing code provision requiring compliance with an officer’s right to enter premises in performance of his duties.

Roland sought a writ of prohibition to halt the prosecution, but he was unsuccessful since a four-year-old precedent of the Supreme Court clearly upheld the right of health and safety inspectors to enter premises without a warrant. Frank v. Maryland, 359 U.S. 360 (1959). Nevertheless, he insisted on going all the way to the Supreme Court. After all, Frank was a five-to-four decision, and its author, Felix Frankfurter, had retired.

Roland’s persistence paid off in Camara v. Municipal Court, 387 U.S. 523 (1967), in which the Court overruled Frank and held that, after entry has been refused, a health and safety inspector must obtain a warrant to enter the premises. In a shrill dissent Justice Tom Clark predicted that the greatest disaster since the San Francisco earthquake would result from Camara, “jeopardizing the health, welfare and safety of literally millions of people.” Complimenting San Francisco for its cleanliness and safety, he noted that 100,000 health and safety inspections had been carried out in the city in 1963–66, with only ten refusals. He predicted a general rebellion with a “significant increase” in refusals to permit inspections.

Curious whether Justice Clark’s dire predictions came true, I called the housing inspectors (now called Environmental Health Services) and asked how many inspection warrants had to be issued since Camara was decided. The answer: zero. Roland Camara is the only “rebel” they have ever encountered.

7. Hastings College of the Law
198 McAllister Street

Jones Street converges with McAllister Street at Market. The impressive columned portico of Hibernia Bank has graced this corner since 1892. Noting
that "each case is but an excursion into history," Justice Tobriner explored the fascinating history of Hibernia Bank in rejecting a series of ownership claims by descendants of the "few Irish Gentlemen" who founded it in 1859. See 9 Cal. Rptr. 867-909 (1960). Go right two blocks on McAllister and you will see the high-rise buildings that now house Hastings College of the Law, the oldest law school in California—with the oldest professors.

Hastings operates a unique program to attract distinguished professors who have reached mandatory retirement age at other law schools. Basking in the California sun, they continue teaching many years. Thus, the tradition of the founder is carried on. Serranus Clinton Hastings lived a long life, too. When he took on a new young wife at the age of 70, he was sued by a disappointed young lady for breach of promise.

Founding Hastings College of the Law was merely the capstone to a career that included service as the chief justice of two state supreme courts! Before he came to California in 1849, Hastings served a year as chief justice in Iowa. Within a year of his arrival in California, he was elected first chief justice of the California Supreme Court. On leaving the court, he served a term as state attorney general. He endowed Hastings as a department of the University of California in 1878, and he served as the first dean. The charter provided that the governing board always would include some heir or representative of S.C. Hastings. This provision was upheld by the California Supreme Court against a challenge by the university, which later claimed its own trustees should govern the law school. People ex. rel. Hastings v. Kewen, 10 P. 393 (1886). The board of directors today includes a grandson of Serranus Clinton Hastings.

The Hastings family tree is immortalized in Maul v. Catherwood, 155 P. 2d 111 (1945), which settled a dispute between his grandchildren and great grandchildren over distribution of the proceeds of a trust he established in 1874. It is the leading California case on per capita versus per stirpes distribution, and it still is required reading for students of trusts and wills at Hastings.

One of the first students of Hastings was Clara Shortridge Foltz, but she had to carry a lawsuit to the California Supreme Court to get admitted. Foltz v. Hoge, 54 Cal. 28 (1879). She went on to a lot of other firsts—first woman admitted to the California bar, first woman deputy district attorney, founder of the California parole system, and originator of the public defender system.

8. San Francisco City Hall
McAllister and Polk Streets
Continue west two blocks on McAllister and you will see the green-ribbed dome of San Francisco's City Hall, built in 1915. The magnificent interior, rich in detail, is well worth a peek inside. The vast rotunda beneath the dome rises four stories. City Hall was the scene of recent tragedy that still is reverberating through California courtrooms and legislative halls.

In 1978 Mayor George Moscone and Supervisor Harvey Milk were shot to death in their offices in this building. A former supervisor, Dan White, was charged with the murders. When you enter City Hall, you will be required to pass through a metal detector. White avoided the metal detector by entering through a basement window. He was convicted of manslaughter, based on a defense of "diminished capacity."

The rotunda is inscribed with the name of James Rolph, who served as San Francisco's mayor from 1912-31 and then went on to become governor of California. You also will find a bust of Rolph to the right of the Polk Street entrance to City Hall. "Sunny Jim" was one of California's more colorful governors. When a lynch mob in San José dragged two prisoners out of jail and hanged them in the City Park in 1933, Governor Rolph announced a guaranteed pardon if any members of the lynch mob were charged, adding, "I would like to parole all kidnappers in San Quentin and Folsom to the fine patriotic citizens of San José."

If you exit City Hall on the Van Ness Avenue side, you will be across the street from the War Memorial Opera House, where the conference to form the United Nations met in 1945.

9. U.S. Court of Appeals
Mission and Seventh Streets
When you leave City Hall, walk back to the Polk Street side and through the Civic Center park toward Fulton Street. You will pass the Main Public Library at the corner of Larkin and Ful.
ton, a gift of Andrew Carnegie.

The library stands on the site of the first city hall, one of the few buildings to collapse in the 1906 earthquake. (Most of the devastation was caused by the ensuing fire.) In the rubble San Franciscans found evidence of the graft and corruption that pervaded their city government. The "marble" columns holding up the city hall rotunda were revealed to be plaster columns filled with sand.

Fulton Street runs into U.N. Plaza, where you will find your exact latitude and longitude well marked. Bear left at the fountain, and cross Market Street at Seventh. One block south you will see the Main Post Office Building, which houses the United States Court of Appeals for the Ninth Circuit. You will find inside the most opulent interior of any courthouse in America.

The corridor of the third floor is a long colonnade of 48 white Italian marble pillars. The walls of Courtroom No. 1 are black-and-white veined pavonazzo marble on a base of red African Numidian marble. The coffered ceiling is elaborately decorated with sculpture, mosaics, and leaded-glass skylights. Among the infamous defendants who stood trial in this courtroom was "Tokyo Rose," who was convicted of treason for her wartime propaganda broadcasts on behalf of the Japanese. See D'Agino v. United States, 192 F. 2d 336 (9th Cir. 1951).

Two other courtrooms are equally extravagant. All this was made possible by a fortuitous drop in the price of steel after Congress appropriated $2.5 million for construction during the 1890s. Rather than return the surplus to the Treasury, architect James Knox Taylor lavishly spent it on the interior, importing Italian artisans to do the work. The building was completed in 1905 and survived the earthquake and fire intact one year later.

The judges of the Ninth Circuit now are hoping soon to occupy the first floor space vacated by the post office since the recent expansion of the court to 23 judges makes for rather cramped quarters. The former chief judge, Richard N. Chambers, spent 25 years raiding federal courthouses throughout the United States to find furniture suitable for this magnificent courthouse. You can find the table Al Capone sat at during his Chicago trial for tax evasion, as well as chairs occupied by counsel during the Teapot Dome trials in Cheyenne. Judge Chambers added another personal touch in the bathrooms that adjoin each conference room. The marble walls are adorned by four and one half stars that were installed when he was informed that court of appeals judges rank in official protocol between a four- and a five-star general. If you would like to tour the courtrooms, prior arrangements should be made with the circuit executive (telephone 415/556-6128).

The Old Mint now houses a fascinating museum, where you can watch a history film, see $6 million worth of gold bars and nuggets, and strike your own souvenir medal on a 160-ton press. Official medals also are on sale, including the new series on chief justices of the United States. (So far, medals have been struck of Jay, Rutledge, Warren, and Burger.) The museum is open 10 A.M. to 4 P.M., Tuesday to Saturday.

While the Old Mint was the scene of many financial transactions, the one that took place on May 24, 1906, was somewhat unusual. Only a month had passed since the disastrous earthquake and fire. San Francisco's banks still were closed, so the mint was functioning as an emergency bank. By order of Patrick Calhoun, the lawyer grandson of John C. Calhoun, who served as president of United Railroads, which operated all trolley cars in San Francisco, $200,000 was transferred from the east to the mint in San Francisco. On May 24, 1906, Tirey L. Ford, chief lawyer for United Railroads and later a member of the state board of prison directors, withdrew $50,000 in gold from Calhoun's account at the mint, converted it to cash, and took it to the offices of United Railroads, where it was delivered to Abe Ruef, the lawyer who became "political boss" of San Francisco when Eugene Schmitz served as mayor. The remaining $150,000 was delivered later to Ruef in installments.

The money was the payoff for an ordinance that sailed through the board of supervisors three days earlier, permitting United Railroads to convert its trolley lines to overhead electrical wires. According to Ruef, $85,000 of the cash went to the supervisors, and $50,000 went to Mayor Schmitz.

The whole sordid story is immortalized in California v. Ruef, 114 P. 54 (1910). Ruef's bribery conviction was upheld despite the claim that a mistrial should have been declared when the chief prosecutor, Francis J. Heney, was shot through the head in the courtroom just as the jurors were returning from a recess. Heney miraculously survived. He was shot by a man he had rejected rudely as a prospective juror in a previous trial. The assistant prosecutor then took over and completed the trial. Although his closing argument contained some highly objectionable statements,
the court excused this as harmless exuberance, and the zealous prosecutor rode into the governor’s office on the crest of his victory. His name was Hiram L. Johnson. Johnson was Teddy Roosevelt’s running mate in the 1912 “Bull Moose” campaign, and he is the only California governor in this century — so far — who went from the governor’s office to the United States Senate.

Abe Ruef served four and a half years of a 14-year sentence in San Quentin and was disbarred, but he returned to San Francisco and prospered as a real estate broker until his death in 1936.

and Wo Lee. None of the 80 non-Chinese who operated laundries were arrested, although only ten San Francisco laundries were in buildings made of brick or stone. Yick was convicted and sentenced to pay a fine of $10 or remain in jail until the fine was satisfied at a rate of $1 a day. He sought a writ of habeas corpus from the California Supreme Court, but it was denied in In re Yick Wo, 9 P. 139 (1885).

Wo Lee, on the other hand, sought relief in federal court. Judge Lorenzo Sawyer was sympathetic, noting that the discrimination that motivated the ordinance “must be apparent to every citizen of San Francisco who has been here long enough to be familiar with the cause of an active and aggressive branch of public opinion and of public notorious events. Can a court be blind to what must be necessarily known to every intelligent person in the state?” In re Wo Lee, 26 F. 471, 475 (1886). Nevertheless, exercising a restraint hardly characteristic of modern federal judges, he felt bound by the decision of the California Supreme Court in Yick Wo, and concluded “... we do not conceive it to be our duty to overrule the action of the supreme court of the state unless it be upon the clearest and most indisputable grounds.”

He urged the Supreme Court to grant speedy review of the cases, however, and his recommendation certainly was followed. Judge Sawyer’s opinion was announced on January 26, 1886. Less than 15 weeks later, on May 10, 1886, the Supreme Court announced its landmark opinion in Yick Wo v. Hopkins, 118 U.S. 356 (1886), which is still quoted today as the origin of the defense of discriminatory prosecution.

Somewhere along the line, Lee Yick’s name was confused with the name he had given to his laundry. Yick Wo was a popular business name in the Chinese community, signifying harmony and tranquility. The Supreme Court therefore unwittingly granted a writ of habeas corpus to a laundry, and Lee Yick missed his opportunity to achieve immortality in the U.S. Reports. This year ground was broken in San Francisco’s Chinatown for a new elementary school. It will commemorate the contribution made to civil rights by laundryman Lee Yick. But it will be called Yick Wo Elementary School. The original site of Yick Wo Laundry is now a parking lot.

12. The Palace Hotel
633 Market Street
Walk north on Third Street back to Market and turn right. You will find yourself less than a block from the Palace Hotel, which reigned over San Francisco’s society for nearly a century. It is now called the Sheraton Palace, but to San Franciscans it’s still just “The Palace.” Woodrow Wilson, while president, made a famous speech here urging our entry into the League of Nations. Warren Harding, while president, died here. Stop and have lunch at the Garden Court, one of the most magnificent dining rooms in the world. The green goddess salad was first presented to actor George Arliss here, who named it for the play in which he was then starring.

The original Palace was built on this site in 1875 by William Ralston, president of the Bank of California. Ralston sailed into San Francisco Bay as a young man in 1851 and accumulated an incredible fortune by investing in gold and silver mines and real estate. Some of his ventures, however, were not bonanzas. He was chief victim of one of the most notorious swindles in American history — the Calconda Diamond Mine, which turned out to be a gravel pit in Colorado that swindlers had “salted” with diamonds. His scheme to control all of the water supplies to San Francisco had collapsed. On August 26, 1875, when a serious fall in the stock of Virginia City Silver Mines precipitated a run on the bank, Ralston was called to account. The books showed he was more than $9 million in debt, with only $4.5 million in assets. The solution, forced on Ralston by the board of directors, was that he sign over a deed of trust to all
his assets to his partner, William Sharon, a senator from Nevada, and resign as bank president.

Ralston left the bank, walked two miles to North Beach, donned a bathing suit, and began swimming toward Alcatraz Island. Fifteen minutes later his body was pulled from the icy water. A hastily convened coroner’s jury, composed of many of his business associates, deliberated for ten minutes before pronouncing a verdict of accidental death by drowning. His distraught widow at least was assured of collecting on his $86,000 life insurance policy.

The outpouring of public sympathy was unlike any the city had ever seen. Fifty thousand people (half of San Francisco’s adult population) joined the three-mile funeral cortège. The reorganized bank opened five weeks later, and it has grown and prospered ever since. A week after that the Palace Hotel opened its doors. Sharon delivered a touching eulogy, dedicating the hotel, which he now owned, to Billy Ralston’s memory. Sharon apparently intended on his $68,000 life insurance policy.

The governor who subsequently pardoned Mooney was then defeated for re-election by the attorney general who loudly denounced the pardon—Earl Warren.

Site of David Terry’s contempt. The corner of Sansome and Washington Streets is the site that was occupied by the federal circuit court in 1888. That summer U.S. Supreme Court Justice Stephen J. Field was “riding circuit” and announced an opinion against Sarah Althea Hill, who claimed a substantial share of the estate of Senator Sharon, owner of the Palace Hotel and the Bank of California. Sarah’s lawyer (and husband) was David Terry, who had previously sat with Justice Field on the California Supreme Court. Sarah greeted Field’s announcement of his opinion with a string of epithets, and Terry’s attempt to “rescue” her from the marshals who removed her resulted in a contempt conviction upheld by the Supreme Court in Ex parte Terry, 128 U.S. 289 (1898). Six months later Terry attacked Justice Field in the Lathrop Railway Station, and Terry was killed by Field’s bodyguard. See In re Neagle, 135 U.S. 1 (1890).

13. St. Francis Hotel
335 Powell Street
When you leave the Palace Hotel, cross Market Street and walk back to Powell, where you can catch a cable car to Nob Hill, where your walk began. The cable car will take you past another great San Francisco hotel, the St. Francis, which faces Union Square between Geary and Post.

The St. Francis always has been popular with actors. John Barrymore fell from a bed at the St. Francis when the earthquake struck.

The actor whose stay at the St. Francis attracted the most attention, however, was Fatty Arbuckle. In Suite 1219–21, 12 stories up from the corner of Powell and Geary, Arbuckle was entertaining some friends in September, 1921. Shortly after the party, one of his female guests died from the effects of a ruptured bladder. Arbuckle, then at the height of his popularity with movie fans, was charged with rape and murder. He was subjected to three sensational trials. The first two ended with hung juries. At the third the jurors alternated the usual step of signing a statement read by the foreman when their verdict of “not guilty” was announced:

“Acquittal is not enough for Roscoe Arbuckle; we feel that a great injustice has been done him... We wish him success, and hope that the American people will take the judgment of fourteen men and women who have sat listening for thirty-one days to the evidence, that Roscoe Arbuckle is entirely innocent and free from all blame.”

The American people did not accept that judgment, however. Arbuckle’s film career was over at the age of 35.

The judge who presided over all three trials was Harold Louderback, who himself won a rather hollow acquittal ten years later. After his appointment as a federal judge, Louderback was impeached by the House of Representatives on charges of cronynis in the appointment of receivers. On May 24, 1933, after a full trial before the Senate, Louderback was acquitted on a vote of 45 guilty to 34 not guilty, short of the two thirds required for conviction.

If you stay on the cable car—the system now has national landmark status—you’ll clang up Nob Hill and return to the Fairmont. Happy walking!