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Racial intolerance during the California Gold Rush

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RACIAL INTOLERANCE DURING THE CALIFORNIA GOLD RUSH

A Thesis

by

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ABSTRACT

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The California Gold Rush started in 1848 and lasted to the mid-1850s. Though short in duration, the impact the Gold Rush had in the United States, along with populations from many areas in the rest of the world, proved detrimental to many different ethnic groups that arrived to the mines and came into contact with various cultures, principally the white Anglo-American culture. This thesis focuses on themes such as race, gender roles, free labor versus unfree labor, extra-legal violence, and informal laws passed in the mines to exclude foreigners. It addresses why certain nationalities were taxed and targeted as foes, while others were not, as well as what factors influenced racial discrimination in the California goldfields. The ethnicities that are represented in this thesis include the Spanish-speaking miners from Mexico, Chile, and the native born Spanish-speaking Californians, the Chinese, African-Americans, the French, and women in the West.

DEDICATION

The completion of my master's studies would not have been possible without the love and support of my family. My father, Manuel López and my mother, Nilda López who inspired and motivated me to finish this project. Para mis padres que son mis mejores amigos, gracias por el apoyo y la paciencia que me brindaron.

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TABLE OF CONTENTS

	Page
ABSTRACT……	iii
DEDICATION……	iv
ACKNOWLEDGMENTS……..……	v
TABLE OF CONTENTS…….……...	vi
CHAPTER I. INTRODUCTION……	1
CHAPTER II. SPANISH-SPEAKING MINERS…….....	23
CHAPTER III. THE CHINESE……...……..…….	62
CHAPTER IV. WOMEN IN THE WEST…….…….	88
CHAPTER V. AFRICAN-AMERICANS AND THE FRENCH……...……	118
CHAPTER VI. CONCLUSION…….…….....	144
BIBLIOGRAPHY……..	151
Primary Sources……...……	151
Secondary Sources……..	154
BIOGRAPHICAL SKETCH…….....	158

CHAPTER I

INTRODUCTION

January 24, 1848 was a date that not only changed the history of California, but also the history of the United States. That date was important to many people around the world because gold was found at the hands of James Wilson Marshall, a carpenter originally from New Jersey. The flakes of gold that caught Marshall's attention were from the American River at the base of the Sierra Nevada Mountains near Coloma, California about 130 miles east of San Francisco. The carpenter was building a water-powered sawmill for his boss, the German-born Swiss, named Captain John Sutter. James Marshall's task was to inspect the tailrace of the sawmill that was under construction. Marshall's responsibilities consisted of building the mill to provide lumber for his Swiss boss and for growing crops in an area that Sutter named New Helvetia. When John Sutter arrived to Alta California, the region was under jurisdiction of the Mexican republic. He became a naturalized Mexican citizen and was given a large Mexican land grant. On his newly acquired land, Captain Sutter built a fort for protection of his territory which encompassed thousands of acres. The growing settlement required more timber for building materials. The construction of the new sawmill was less than a day's horseback ride from Sutter's Fort (or New Helvetia).

Marshall's work required attention to detail since the construction of this sawmill was no easy task, especially the tailrace or the water channel below the water mill, which carried the diverted water back to the river. Mr. Marshall's concern was that the tailrace was not deep

enough. On January 24th of 1848, the river gate was closed that morning making the fast running water of the river to come to an end; therefore, allowing the carpenter the opportunity to estimate the depth of the water that was now still in the water channel. As Mr. Marshall looked closely into the water, which was probably six inches deep, he saw a small, shiny object lying on the bottom of the sediment. He then saw another shiny object which he then pulled out of the cold stagnant water and, with a smile of delight, realized it must have been gold. James Marshall collected a few more pieces of the same mineral and decided to show his workers what he found. According to San Francisco-based historian and lecturer, Rand Richards, Marshall and his workers spent the next few days searching for more gold up and down the riverbanks of the area on their off-time from work. Mr. Marshall found more gold particles and collected them into an old rag which he then carried away and off to Sutter's Fort to inform his boss of this discovery. Once Marshall arrived to meet with John Sutter, he showed his boss several ounces of gold that he unwrapped from the old rag in his pocket and laid it down on a table with the gold glittering in Sutter's presence.[1]

John Sutter and James Marshall both performed a couple of tests to verify that indeed the nuggets and flakes of the shiny and yellow minerals were in fact gold. Sure enough, the tests confirmed the men's speculation that the material was gold. Both men then vowed to keep their new found discovery a secret between themselves. Mr. Sutter arrived at the exact site of the gold findings and asked Mr. Marshall's work crew not to divulge the gold discovery to others until after the completion of the sawmill, but, by early February, the news leaked. Mr. Sutter even went ahead and broke his own promise by disclosing the news to his close friend and neighbor,

[1] Rand Richards, *Mud, Blood, and Gold: San Francisco in 1849* (San Francisco: Heritage House Publishers, 2009), 6.

Mariano Vallejo, a prominent native Californian who owned vast amounts of land just like Sutter.[2]

Over a year prior to the discovery of gold by James Marshall at Sutter's mill, there was a Mormon battalion that was sent to the West on orders from President James Polk, and led by Colonel Kearney, for the purpose of reinforcement of Army personnel in support of the war against Mexico. There were some five hundred men that composed this Mormon battalion; many had never been trained in weaponry. As these men arrived to Southern California and landed in Los Angeles in the summer of 1846, the fighting was over between the United States and Mexico.[3] In July of 1847, the U.S. Army discharged the Mormon Battalion in Los Angeles and many of them decided to rejoin their families left behind at Council Bluffs and complete their journey to their new promised land in Utah. A large group of these men took the route north from Southern California onward to Sutter's Fort and from there headed east to the Great Basin in hopes of reuniting with family and establishing their Mormon utopia.[4] The Mormon men that stayed at Sutter's Fort were offered work in the construction of water and sawmills and, in return for their work, they were to be given livestock and supplies. These discharged Mormon veterans from the Mexican-American War accepted Sutter's offers and stayed for a year. Since many of Marshall's work crew knew of the recent discovery of the gold flakes and nuggets, many decided to venture along the American River on their own and staked claims of their own finding more gold in a place called Mormon Island by March of 1848. Two of these men revealed to other Mormons their findings and before long many men arrived in steady numbers

[2] Ibid., 7.
[3] Albert Hurtado, *John Sutter: A Life on the North American Frontier* (Norman: University of Oklahoma Press, 2006), 213.
[4] Ibid., 214.

to these new mining claims.[5] The type of mining performed was known as "placer mining" which involved men squatting down by the river and panning for gold. As more and more men from various parts of United States and the world moved into the Sierra Nevada of California, this method of mining would soon prove to be not as profitable as, increasingly, men began to extract and pull from the earth all that was visible to them, causing jealousy and animosity amongst many of them. Nativism emerged with a lot of force from the white American miners and even from Europeans towards other foreigners, creating a tenuous unease and many mixed feelings.

Marshall and Sutter tried their best to keep the news of the discovery under wraps, but without success since word clearly got out. Once news of the California Gold Rush reached all corners of the world, the territory of Alta California, once part of Mexico, would forever be altered. The news spread throughout the world and brought together a mixture of nationalities, ethnicities, cultures, languages, an imbalance of genders, and a fierce competition for gold, all within a small region of the Sierra Nevada, located in the newly acquired territory of the United States. In the Sierra Nevada of California, thousands of men from many different nations, representing about a third of the population of the mines, mingled with the great majority of white Americans. Since, after the war with Mexico, the territory of Alta California passed into the hands of the United States government, resulting in the belief that California and its precious metals belonged solely to Americans. Foreigners in-and-around the mining camps, as well as within San Francisco, suffered from anti-immigrant legislative laws passed at the state and local levels and from extra-legal hostility and violence. Ideas of racial superiority followed with strong support of xenophobia, along with economic and wage labor laws that fueled a tense

[5] Ibid., 224.

competitive environment and created an intolerant atmosphere for many miners and their followers during the California Gold Rush. This thesis will examine race and ethnic relations in California, highlighting how white Americans used legal and extra-legal tactics to gain control of the goldfields.

The immigrant miners who suffered the most were Mexicans, Chileans, Chinese, and the French. Even though the Californios, native Spanish-speaking inhabitants of California, were in Alta California long before white Americans, these people suffered as well since they were seen as outsiders and not true American citizens of the United States. One last ethnic group that was seen as second-class citizens of the recently acquired territory was African Americans. Even though African Americans were American migrants and not immigrants from another country, they were not considered citizens of the United States and a significant portion of them came to California as slaves.

There are a number of early and important works that examined race and ethnicity during the California Gold Rush. One of the earlier works was done by the historian Theodore H. Hittell. Hittell described the people known as "gente de razon" or people of intelligence, as not only consisting of people of Spanish descent, but also blacks, mulattoes, "Sandwich Islanders," (people from Hawaii) except the Indians.[6] According to Hittell's interpretation, Indians were not part of that category. This belief originated in earlier times when the Spanish were in contact with the natives. The exclusion of Indians from the "gente de razon," was due to the belief that Indians were savage and considered inferior to reasoning human beings; they had more in common with brutes, than civilized society. Hittell described the hierarchy of race and class that

[6] Theodore Henry Hittell, *History of California* (San Francisco: Pacific Press Publishing House and Occidental Publishing Company, 1885), 470.

existed in Alta California before the Gold Rush which consisted of a few prominent Californio families who claimed pure Spanish blood. However, according to him, many of them exhibited some Indian physical characteristics. In his study, Hittell assumed that the Californios were generally "lazy, ignorant and addicted to intoxication."[7] The Californios were described by him as being mostly illiterate and unproductive as far as working the land for the purpose of cultivation. The vices that were associated with these Hispanics were gambling, smoking, and drinking, to the point of drunkenness. Ultimately, they were compared with Indians; like the Californios, the Indians allowed their women to do the work that encompassed gardening and management of the livestock. According to Hittell, the women were more intelligent, skillful, and possessed higher moral qualities than the men.[8]

Hittell provided a reason as to why the Californian men were so idle and indolent, explaining that these people were all of the military class or the descendants of the military class, and, as such, they regarded any kind of personal labor as degrading, except when it came to war. It was this belief, held among the Californios towards labor, that resulted in the absence of industry during the Spanish and Mexican eras.[9] Although Hittell used some primary sources from men who lived and visited California during the Spanish and/or Mexican periods, like Alfred Robinson and Richard Henry Dana, he held his own perceptions towards Hispanics which, for the most part, were not positive. Another historian and businessman who viewed the Californios negatively and wrote about them in his work was Hubert H. Bancroft. Mr. Bancroft gave many reasons why the Californios were inclined to drunkenness. First, he attributed their heavy drinking to the lack of homes owned by these people as well as to causes of temperament,

[7] Ibid., 471.
[8] Ibid., 470-471.
[9] Ibid., 471-472.

excitement, strain, and even the climate of California. Bancroft suggested that what killed the morals of the Californios, was the lavishness and tendency to drink in excess.[10] Mr. Bancroft gave two reasons as to why the Spanish-speaking men in the mines during the Gold Rush experienced prejudice. One reason was that they were "clannish," just like the French, and that was enough to foster prejudice from white Americans. The other reason was the jealousy and resentment from the Americans towards the Spanish-speaking miners simply because of the success of Hispanic miners.[11] Historians like Bancroft and Hittell were men from the eastern part of the United States who were highly educated and from middle-class backgrounds who moved to San Francisco in the 1850s, but they brought with them their own preconceived notions of race, class, gender, and culture prior to arriving in California. Once coming into contact with Hispanics, their own perceptions of these "non-Americans" probably only helped to validate their views and comments written in their historical works.

Taking justice into one's own hands and implementing their own laws on the American frontier was a very common practice that white Americans used heading westward to California. These extra-legal methods were adopted into California during the Gold Rush. Historian Charles Shinn was raised in rural Alameda County close to the San Francisco Bay after the Gold Rush, but grew up in San Francisco listening to ex-miners' stories about the Gold Rush and took a very personal interest in recalling their stories. While in his twenties, Shinn wrote topics about fruit-growing and home gardening for California newspapers and magazines while beginning to take more interest in the local government of the mining camps of the California Gold Rush. Shinn traveled by foot to many of the foothill mining camps and visited old and abandoned settlements

[10] Hubert H. Bancroft, *The Works of Hubert Howe Bancroft, Volume XXIII, History of California, Vol. VI. 1848-1859* (San Francisco: The History Company, 1888), 237.
[11] Ibid., 223.

while researching for records of California's past. By the time Shinn was thirty, he learned much more on topics like history and government and graduated with a college degree in the subjects that he knew best. At the same time of his graduation, Shinn sent a manuscript of a book that he had been working on to an editor; the editor accepted the book immediately and published it in 1885. His book, *Mining Camps: A Study in American Frontier Government*, was a success with its readers who yearned for more of the Gold Rush nostalgia. Charles Shinn provided clear insights as to how new relationships and new laws came into existence in the California mining region in his book. Shinn mentioned that the early camps in California began to develop "new bonds of human fellowship." These new bonds were simply seen as partnerships between men that as Shinn described best seen as "sacred marriage bonds."[12] The hard work related to mining, plus the demands associated with it, required men to consolidate their strengths and utilize them as a unit. These men created relationships that involved sharing of duties like cooking and washing. They mined beside each other, lived, and slept together which harbored trust, camaraderie, protection, friendship, and more than just a commercial relationship.[13]

William Redmond Ryan, an Englishman who went to California by means of New York, left with a party of American volunteers looking for adventure and gold in California. Ryan described how the American government failed to fulfill the promises of giving the armed volunteers either pay and land for their service. Upon arriving to California, Ryan described how most of the men in the party disbanded and headed to the mines and, upon arrival to the mines, they formed bands with written rules for the regulation of the general interest. The rules dictated improvised laws since there was no actual legal government in the region. Some of

[12] Charles Howard Shinn, *Mining Camps: A Study in American Frontier Government* (New York: Alfred A. Knopf, Inc., 1948), 105.
[13] Ibid., 105.

these rules, within the newly-formed mining company of ex-volunteers, clearly explained to the new American miners, as well as the Englishman, that all expenses incurred by the miners would be split. Some of the rules indicated: there would be a division of labor amongst them, all men shall work together, no sick man shall be abandoned, each man be allowed to retain all the gold he can find, contribute to the company his fair share for the purchase of food, tools, animals, and finally any man proved guilty in stealing or robbing from any member of the company, shall be punished and expelled from the camp.[14]

Born during the California Gold Rush, American philosopher, Josiah Royce wrote a book called, *California from the Conquest in 1846 to the Second Vigilance Committee in San Francisco: A Study of American Character*. In his book, Mr. Royce explained that miners' justice in the camps was a procedure to keep checks and balances in place until the arrival of the state government could replace it. Mr. Royce agreed with Mr. Shinn on the newly-established, informal, laws that concerned land claims and the concept of autonomy in their camps which were soon replaced by the legal and formal state government. However, he did not agree with Mr. Shinn's theory on criminal law being the best for each respective mining community. According to Mr. Royce, criminal law within these isolated, yet growing mining camps, was simply "Lynch Law."[15]

Later historians, like Leonard Pitt's *The Decline of the Californios*, is a valuable book in which Pitt explained the rapid political and economic demise of the Spanish-speaking families who occupied and controlled California before the United States took over in 1846. In his book,

[14] William Redmond Ryan, *Personal Adventures in Upper and Lower California* (London: William Shoberl, Publisher, 1852), 211-213.
[15] Josiah Royce, *California from the Conquest in 1846 to the Second Vigilance Committee in San Francisco: A Study of American Character* (New York: Alfred A. Knopf, Inc., 1948), 316.

Pitt devotes an entire chapter on the Spanish-speaking miners during the Gold Rush. Pitt mentioned how nationalism, racism, and the anguish on the lowering of value over free labor, all contributed heavily to the xenophobic attitudes towards Latino miners.[16] Pitt focused on the decline of Hispanic miners in the gold mines, once laws were passed by the state of California, and the rise of banditry of which American miners perceived every crime committed to have been performed by Mexican thieves and/or criminals.

Published in 1973, just two years after Pitt's book was published, historian David J. Weber wrote extensively on Mexicans and Mexican-Americans during and after the American occupation of California and other areas once controlled by Mexico. Weber pointed out there were roughly 1,300 Californios in the mines in 1848, the year of the gold discovery. The influx of Anglo-American miners heading to the mines not only made the Californios a minority in their own territory, but it made them targets of hate as they were now seen with contempt. According to Weber, the Californios enjoyed much success in the mines since they were their first. Within a short amount of time, Latin American miners from Chile, Peru, and Northern Mexico also enjoyed success simply because they were experts in mining and carried with them mining tools and techniques that facilitated their work. There were times when Latin American miners would instruct Anglo-American miners on how to mine and be successful, but that was not enough to keep them from developing feelings of envy and hate towards their southern neighbors.[17] An Englishman, William Kelly, who arrived to the California diggings by the summer of 1849, reported, "Nine-tenths of the new arrivals were Americans, who resorted, as we did in the first instance, to the Chileans and Mexicans for instruction and information, which

[16] Leonard Pitt, *The Decline of the Californios* (Berkeley: University of California Press, 1971), 56.
[17] David J. Weber, *Foreigners in their Native Land: Historical Roots of the Mexican Americans* (Albuquerque: University of New Mexico Press, 1973), 150.

they gave them with cheerful alacrity." William Kelly continued with his report, "As soon as Jonathan got an inkling of the system, he, with peculiar bad taste and ungenerous feeling, organized a crusade against those obliging strangers, and chased them off the creek at the pistol's mouth."[18] Likely related to his being an Englishman, Mr. William Kelley referred to Americans as "Jonathans."

It is important to highlight that historian Weber pointed out that the mining camps became lawless places where lynchings, beatings, and established forms of robbery of foreign miners became very common acts chiefly directed at Mexican and Mexican-Americans. However, many newspapers and written journals of Anglo-American miners of that time attributed the crime in the mines to Spanish-speaking miners. Weber explained that, in the mines, there was inequality before the law and the punishment for killing or shooting a Mexican was hardly ever carried through.[19]

Contemporary historians, such as Richard White and Susan Lee Johnson, have been very instrumental in depicting how non-white people during the Gold Rush were seen by earlier historians. In the article, "Race Relations in the American West," American historian Richard White mentions that leading Western historians, after Frederick Jackson Turner, focused their attention on whites in the West and, by extension; simply omitted non-whites' contributions living in the West. When historians like Turner and Walter Prescott Webb wrote histories of the American West dealing with minorities, Richard White explains that it was a history in terms of "conquest and control."[20] This history of non-whites was chiefly composed of reasons for whites to justify subordinating and controlling Native Americans, Mexicans and Mexican-Americans, as

[18] William Kelly, *A Stroll Through the Diggings of California* (Oakland: Biobooks, 1950), 15-16.
[19] Ibid., 151.
[20] Richard White, "Race Relations in the American West," *American Quarterly*, Vol. 38, No. 3 (1986): 396.

well as other people of color. According to Richard White, once these people of color were subordinated and marginalized, they seemed to disappear from the historian's outlook or range of interests.[21]

Historian Susan Lee Johnson focuses in her book, *Roaring Camp: The Social World of the California Gold Rush*, on the area in the Sierra Nevada foothills drained by the San Joaquin River, also known as the "Southern Mines." In the Southern Mines, the region was more ethnically diverse than that of the "Northern Mines" or the foothills area drained by the lower Sacramento River. Susan Johnson explains that in the Southern Mines, Mexicans, Chileans, French, and Chinese were more prominent in the local mining populations and that Miwok Indians maintained a strong presence there as well.[22] According to Johnson, most peoples' visions of the California Gold Rush consisted of white Anglo-American men with beards who dug and panned for gold in territory that was recently annexed by the United States. That being said, historian Johnson argues that the Southern Mines constituted an area that has been least studied by historians. According to Johnson, historical study on the Gold Rush has concentrated on the Northern Mines where most of the population was overwhelmingly white Anglo-American men.[23] Johnson makes a very interesting point in her book when she explains that, all over the gold regions of California, factors like the relative absence of women, the large numbers of men of many nations and colors, and the rise and fall of local economies, helped make certain that white, Protestant, American-born men who aspired to middle-class status would be uneasy

[21] Ibid., 396.
[22] Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: W.W. Norton and Company, 2000), 12.
[23] Ibid., 12.

about issues of gender, race, and even class. Many of these men reflected the above qualities and felt that they should overtake the recently-added territory to the United States.[24]

The impact of the Gold Rush was devastating to the Native American population of California. American anthropologist, Russell Thornton, discusses in his book, *Indian Holocaust and Survival*, published in 1987, the population decline of Native Americans from the 15th to the 19th centuries with a resurgence in the 20th century in the Americas. This anthropologist, as well as other demographers, mentions that the Indian population of California, just prior to the arrival of the Spaniards in 1769, was over 300,000. By the closing of the Mexican period in 1846, the indigenous population of California was about 150,000 and, by the late 1850s or the end of the California Gold Rush, the native population was about 30,000.[25] Another anthropologist, Tomas Almaguer, describes that many Indian losses in California resulted from physical assaults at the hands of white Americans which included formal military campaigns, informal forms of extra-legal hostility towards them by white miners and expeditions of volunteers, and other forms of assaults and raids upon them.[26]

According to American writer Edward Dolnick, Native Americans in California suffered the most--more than any other group during the California Gold Rush. Dolnick mentions that the Gold Rush for Indians was a catastrophe since most of California's Indians happened to live and congregate in large numbers in the very regions where gold was found. The white miners and other men of various nationalities entered their territory causing havoc on them. Dolnick explains that during the Spanish and Mexican periods, the Spanish-speaking ranchers who

[24] Ibid., 51.
[25] Russell Thornton, *American Indian Holocaust and Survival: A Population History Since 1492* (Norman: University of Oklahoma Press, 1987), 109.
[26] Tomas Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley: University of California Press, 1994), 130.

commanded California prior to the Gold Rush, exploited the Indians for their labor and strength, but the newly arrived Anglo-American settlers and miners, simply wanted them to be gone for good.[27]

Since most white American miners detested any form of unfree labor or men working long hours for miserable low wages and in horrible working conditions, it was ironic for them to enforce and/or utilize those factors for their own benefit. They hated those aspects of capitalism as long as they were not the victims of its consequences and not the men performing the work for others. Dolnick mentions in his book, *The Rush: America's Fevered Quest for Fortune, 1848-1853*, how, in the early days of the Gold Rush, several white American men would exploit large numbers of Indians for the sole purpose of building fortunes for themselves. For example, if a white American had a party of fifty to sixty Indians digging for gold, then he would reap the profits while only giving the Indians a small portion of the gold in compensation for their services. As Dolnick explains, the "wild Indian knows nothing of its value and wonders what the palefaces want to do with it."[28] In describing the native's clueless knowledge on the value of gold, the writer gives an example where the Indian might simply give the whites a cup of gold dust in exchange for a glass full of beads or a glass full of rum. Even though white Americans took full advantage, the practice of hiring many Indians for their cheap labor did not last long. Dolnick explains that the concept of whites competing with cheap Indian labor was against their principles and believed it to be unfair, since white Americans coming from the East were a little late in joining the Gold Rush.[29] The concepts of free labor versus unfree labor, the consequences

[27] Edward Dolnick, *The Rush: America's Fevered Quest for Fortune, 1848-1853* (New York: Little, Brown and Company, 2014), 263.
[28] Ibid., 264.
[29] Ibid., 264.

of working long hours for low wages, the frugal practices of foreigners (in particular the Chinese), and the highly held beliefs circulating about slaves or indentured servants working in the mines will be discussed in the following chapters which examine Spanish-speaking miners, Chinese miners, and the coming of African-Americans into the mines, with or without their white masters.

Tomas Almaguer describes the first white American men who moved west to California, during the mid-1800s, as "trash" within white society, despite the fact that they would come to dominate Gold Rush California society. Anglo-Americans' views on the native Indians of California were never positive. When coming into contact with other races, white Americans perceived other cultures through the lens of Euro-Americans who, according to them, possessed the good qualities that the others simply did not have. For example, the Protestant work ethic that was instilled into most white Anglo-Americans heading west was always implemented with how they viewed Indians' and later Mexicans' methods of work in relation to the land. Native Indian tribes of California were seen as indolent because, after their hunting and gathering was done, there was still plenty of time to pass by; in this, according to white men's perceptions of work, they were very unproductive. These natives did not plow fields, plant seeds, cultivate gardens, construct irrigation ditches, nor domesticate beasts of burden. By not carrying out the agricultural methods performed by whites heading west, it only reassured whites that they were superior to Indians. They held the notion of "Manifest Destiny," was theirs to not only civilize, put to conquer as well.[30]

[30] Tomas Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley: University of California Press, 1994), 114-116.

One of the topics of discussion in historian Pitt's book is how the land was used and whether or not Latinos used it in a productive way. Since many of the Californios prior to the Gold Rush relied on ranching in their respective lands, Pitt mentioned that according to Anglo-Americans, the Californios did not use the land productively. The ranchers would not work the land like the farmers of the East. The terrain was different to begin with and the soil was not as fertile as in the East, along with the fact that livestock was the prime industry for export and livelihood for Californios and not agriculture which is what Anglo-Americans were familiar with in their respective home states. Pitt explained that many of the white settlers who moved west sought for their countrymen to make the land more productive. By having more of these migrants turn into settlers, the destiny of California would look much more positive in the eyes of Anglo-Americans.[31] Although many of these preconceived notions about land occurred throughout the Gold Rush and affected Hispanic ranchers in their own territory, these perceptions of land unproductivity meshed with notions of idleness and nativism, transferring to the mines in the Sierra Nevada of California by Anglos and directed at Spanish-speaking miners.

In the second chapter of this thesis, the Spanish-speaking miners from Mexico, Chile and native-born Californios are the focus and several themes are addressed. In this chapter, economic competition is examined in detail. At first, these Hispanic miners were left unmolested in the mining camps, since they arrived to the area prior to the hordes of white Americans from the East and the South. With the coming of large numbers of Anglos to the Sierra Nevada, the fierce competitiveness for gold increased racial intolerance towards the Latinos, while decreasing the number of productive claims for gold panning and mining. The chapter discusses how white Americans disliked the fact that many Latin-American miners were

[31] Leonard Pitt, *The Decline of the Californios* (Berkeley: University of California Press, 1971), 87-88.

actually peons working for a few wealthy Californio ranchers or merchants from Chile and Mexico. The independent Anglo-Americans, working for themselves, could not compete with large numbers of men reaping the benefits for a few wealthy men. The Hispanic miners were the first to suffer from nativism and the consequences of the first Foreign Miners Tax Law of 1850.

White Americans refused to recognize or distinguish any differences between the Latin Americans. To them, all Spanish-speaking people were lumped together as interlopers and called derogatory terms like "greasers." These Spanish-speaking men and women living and working in the American West, like the case of the Californios, who were born in California and native to the area or to the recent groups of immigrants of Mexico, Chile, and even Peru, were all seen as foreigners and intruders, who were taking away valuable precious metals from the United States of America. These foreigners, from various parts of Latin America, were the first groups to arrive to California in the years 1848 and 1849.

Chileans were another Spanish-speaking segment of the mining population who were able to reach California in the early years of the Gold Rush. According to Edward A. Beilharz and Carlos U. Lopez, the authors of *We Were 49ers!*, the first group of Chileans to arrive to California were experts in mining and possessed special skills that were considered advantageous to them in the American West. These Chilean men, along with Mexican miners from the northern Mexican state of Sonora, were the first to give Anglo-American men their first coaching on mining methods.[32] Despite receiving instructions on gold mining, the Anglo-Americans would soon drive off the Chilean and Mexicans from their hard-worked claims.

[32] Edwin A. Beilharz and Carlos U. Lopez, *We Were 49ers!: Chilean Accounts of the California Gold Rush* (Pasadena: Ward Ritchie Press, 1976), Introduction XV.

In chapter three, the Chinese are discussed as miners within the Sierra Nevada and within the city of San Francisco. When the first Foreign Miners' Tax Law was passed by the California legislators in 1850, prohibiting foreigners from mining precious metals in American territory, the main victims were Latinos and not the Chinese. The reason for this was because the numbers of Latino miners were in the thousands, while the Chinese numbered only a few hundred. In Jean Pfaelzer's book, *Driven Out: The Forgotten War Against Chinese Americans*, the author mentions how only 325 Chinese immigrants passed through the San Francisco Customs House in 1849 alone, but the number increased to 450 for 1850 and to 2,700 by 1851. By 1852, the Chinese reached an all-time high of over 20,000, but fell to just about a little over 4,000 the following year.[33] The reasons for the Chinese decline in numbers, was due to the false impression that all Chinese arriving to America were indentured servants and working for companies for cheap wages. The racism and nativism displayed by white and European miners led to the creation of their own resolutions or laws that limited the Chinese into the mines and/or simply evicted them out of the mines. Many of these resolutions started to be created as early as 1849 when very few Chinese were present in the mines, but as their numbers increased, the Chinese presence resulted in increased racial intolerance and more competition in the gold mines. In 1852, the second Foreign Miners' Tax Law resulted in the Chinese being the victims, simply because the Spanish-speaking miners had already been driven off due to high and harsh taxes. As the Hispanic miners left the mines in large numbers, they were simply replaced by the ever growing numbers of Chinese men followed by a very small number of Chinese women.

[33] Jean Pfaelzer, *Driven Out: The Forgotten War Against Chinese Americans* (Berkeley: University of California Press, 2007), 36.

Chapter three will also address some of the resolutions passed by miners in the camps and what they entailed along with the first and second Foreign Miners' Tax Laws.

According to the 1790 federal law that limited and reserved naturalized citizenship to only free white men, the Chinese were excluded from legal rights and protections of their newly adopted country.[34] Many Chinese men who entered California during the Gold Rush simply did not want to stay in America permanently. Their stay in California was to be viewed as temporarily, since their women back in China had not accompanied them. Asian-American historian Ronald Takaki described that over 5 million dollars in tax profits had been gained from the Chinese miners from the beginning of the Foreign Miners' Tax Law until its revocation in 1870 by American authorities. This amount represented 25 to 50 percent of the state's revenue drawn solely from taxes collected from the Chinese because of their foreignness and their inability to become U.S. citizens. In 1855, the state legislature passed a law that went beyond the Foreign Miners' Tax Law by imposing a landing tax of fifty dollars on each Chinese passenger ineligible for citizenship to the captain or the owner of a ship entering the ports of California. Further, Ronald Takaki mentioned an additional law passed by the state of California which protected free white labor from Chinese labor defined as unfree "Coolie" labor. The chapter will also discuss the myths and beliefs originating to this unfree Chinese labor. To discourage the entry of more Chinese immigrants to the United States, California legislators collected a payment tax of $2.50 per month on all Chinese living in the state of California.[35] According to Takaki, these laws clearly sought out exclusion of the Chinese and not solely revenue from them.

[34] Ronald Takaki, *Strangers from a Different Shore: A History of Asian-Americans* (Boston: Little, Brown and Company, 1989), 82.
[35] Ibid., 82.

Chapter Four of the thesis includes the history of women who arrived to California during the Gold Rush. The chapter devotes a significant portion on the topic of prostitution primarily to women of color. These women of color consisted of Asian and Hispanic women from countries like China, Mexico, and Chile and who have been depicted as victims of the trade. Historian Jacqueline Baker Barnhart discusses in her book, *The Fair But Frail: Prostitution in San Francisco 1849-1900*, the trials and tribulations of women who came to California's shores and ports on false pretenses and broken promises from people in their own home countries. The chapter explores the similarities and differences between these different ethnic groups, like the type of customers they catered to, where they lived and worked, access to other parts of the city of San Francisco and away from their place of work, and their own unique stories of arriving to California. In the book, *Intimate Frontiers: Sex, Gender, and Culture in Old California*, historian Albert Hurtado introduces his readers to the infamous case that involved the hanging of a Latina in the town of Downieville in the year 1851. This event reflected the strong camaraderie that existed between white miners in the gold mines during the Gold Rush and showed how that strong cohesion amongst them was indifferent to the fact that their victim was a women. Why would men hang a woman at a time when women were so scarce in the California Gold Rush? This question is explored and hopefully answered in the course of the chapter.

The final chapter of this thesis looks at African-Americans migrating to the American West as well as the coming of the French during the California Gold Rush. Chapter five describes the ambiguous and ambivalent circumstances that blacks faced once they migrated overland or disembarked at the port of San Francisco to reach for the mines. Even though California entered the Union as a free state, the first civilian governor of California did not want slaves, nor free colored men, entering the newly incorporated 31st state of the United States. The

chapter highlights some of the governor's remarks and worries concerning African-Americans in California. The situation for blacks in California was not an easy setting in which this community could prosper as free individuals. In 1850, the nation passed a federal law permitting slaveholders from obtaining any slaves that escaped from their possession; while two years later, the state of California passed its own Fugitive Slave Law in 1852, giving more rights to slaveholders than to African-Americans. Historians, like Rudolph M. Lapp, described the tension and fear in California from mostly white American miners who believed that black immigration would evolve from slave owners bringing their slaves for the purpose of making a fortune from their labor and then setting them free later.[36]

This final chapter, will also discuss the arrival of the French miners during the California Gold Rush. Many of these Frenchmen arrived to the shores of California around Cape Horn by means of French companies who promised the French miners provisions, medical services, and even Catholic priests. These promises were never carried through. American historian Malcolm Rohrbough describes in his book, *Rush to Gold: The French and the California Gold Rush, 1848-1854*, how most Frenchmen believed the Americans would treat them with American hospitality upon arrival to California simply because France was an ally of the United States and because it helped America win its independence from England in 1776. According to the author, the French instead were received with hostility and xenophobia from the Americans; in fact, the Foreign Miners' Tax Law did not exclude them from paying their tax. At the same time, the French stood their ground and would not back down, creating more tension and requiring the intervention of the French consulate for added collectedness.

[36] Rudolph M. Lapp, *Blacks in Gold Rush California* (New Haven: Yale University Press, 1977), 128-129.

These various groups all had to deal with unfavorable circumstances and, at times, dodged the unfavorable policies by simply leaving or abandoning the mines when the hostility became unbearable or too violent, or some chose to avoid paying the tax. When foreign miners, in particular the Mexican miners, were expelled or kicked out of the mines, the troubles or crimes occurring in the mines or nearby towns were always attributed to them, even when the Mexican miners had nothing to do with the criminal activities. This deep hatred of the Spanish-speaking people invokes the notorious Black Legend that evolved in Protestant Europe and spread to the English Colonies in the Western Hemisphere. This thesis addresses the different ethnic groups and nationalities who, at times, worked together for protection and security. However, when these communities acted in relatively isolation and congregated only within themselves, grounds for nativism aroused from not only white Americans, but also other foreign groups, especially the Irish. This thesis discusses notions of whiteness, citizenship, and masculinity which all became powerful tools that other foreign immigrants used on their behalf against other foreigners and were not solely limited to white Americans.

CHAPTER II

SPANISH-SPEAKING MINERS

Spanish-speaking people, native to California, were the majority population prior to the onset of the California Gold Rush and were known as "*Californios.*" When California was still part of Mexico, before the Gold Rush of 1848, the area was sparsely populated with a vast unexplored region of wilderness. The state had a few villages dotted throughout the territory and contained many ranches given to Spanish-speaking people by means of Spanish and Mexican land grants. Back in 1842, a man by the name of Francisco Lopez, who was in charge of the San Fernando Ranch in nearby Los Angeles, stopped to rest in Placerita Canyon, while tending the cattle nearby. Having dug some wild onions with his knife, Francisco Lopez noticed particles of gold in the ground clinging to the roots of the onions. This little incident created news which set off a small rush to the canyon composed of mostly miners from the state of Sonora. These Sonoran miners introduced into that ranch some dry-washing extraction procedures which were more effective than the crude methods used by the Californio men before them. These Sonoran miners' methods increased production, but, according to Elma Spencer in her book, *Green Russell and Gold*, the supply of gold disappeared by 1847 in Placerita Canyon. Estimates vary as to the amount taken out, but Spencer explained that there were claims that produced from six and eight thousand dollars to ten times that amount.[1] This little gold rush attracted little attention from men nearby and was

[1] Elma Dill Russell Spencer, *Green Russell and Gold* (Austin: University of Texas Press, 1966), 24-25.

soon over, but in the early part of the following year, attention and admiration from men all over the world would lead to the California Gold Rush.

From the early stages of the discovery of gold in Northern California in 1848, Spanish speaking people from the Northern Mexican state of Sonora, as well as other parts of Mexico, Chile, Peru, and some native Californios, participated in finding of gold in the northern part of California well before the massive waves of Anglo-American men entered the valleys of that part of California. For the most part, many of these Hispanic men involved in mining worked in their own independent ways and used their own preferred methods of mining interruptedly. They even helped teach Americans and Europeans how to mine for gold, but as the newcomers arriving to California, mostly from the eastern part of the United States, became the majority, despair, racial hostility, xenophobia, and extra-legal violence became the norm to everyday life for this Spanish-speaking segment of the population in the mines.

The discovery of gold in 1848 made an important impact on the Californios. It brought them riches, drew them together with other Spanish-speaking people, and, most importantly, opened them to full scale Anglo-American penetration and conquest. As the news spread from the discovery of gold in 1848, the Californios did not waste any time. About 1,300 native Californians mined gold in 1848. If they had missed the opportunity to discover gold in the Sierra in the past, now was the time for them to take advantage of the great bonanzas.[2]

In that specific year, the Californios, who numbered a little over a thousand in the mines and were much outnumbered by the 4,000 or so Americans who ventured into the territory prior to 1849, attained advantages over the white Americans. First, they were closest to the mines and

[2] Leonard Pitt, *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley: University of California Press, 1971), 49-50.

knew precisely where and how to find the gold. These men would also pool their resources and divide their labor, making it possible to extract as much gold as the "Yankees."[3]

The perceptions of most Anglos towards Californios was negative. In part because of those who brought with them large numbers of peons to the mines, while the "*patrones*" or bosses of these Hispanicized Indians reaped all the benefits of their work, which helped to infuriate white Americans in the mines. How were these white independent working men going to be able to compete with cheap Indian labor for the benefit of a few wealthy Latinos? According to historian Pitt, these white Americans began to see parallels between black slaves and their masters to Indian peons and their Latino bosses.[4] The question of whether or not large companies of miners should be able to pool together their large amounts of capital for the purpose of employing numerous Indians simply for their benefit and thus establishing a monopoly by exploiting Indian labor was given a quick "no" as an answer. The Englishman, William Kelly, described that, throughout his time in the mining camps, "There were several extensive 'jawing matches' on the subject, without leading to any arrangement during my sojourn; but I know that afterwards it was not permitted in any of the mines to stake off allotments for employed hands, and in some, even the hiring of them was altogether interdicted."[5]

Early miners' laws, created by white Americans, favored claims that were worked by independent American miners. According to American historian, Abraham P. Nasatir, as early as the spring of 1849, Latin Americans worked in mining companies from Chile and Mexico where large numbers of "*peones*" did the heavy work in the mines nearby Sonora which were

[3] Ibid., 50.
[4] Ibid., 57.
[5] William Kelly, *A Stroll Through the Diggings of California* (Oakland: Biobooks, 1950), 22.

located in the Southern Mines of the mining region of California. These companies would stake out claims in the names of their peons which the white Americans or Anglos believed was unfair and illegal. Military governors of California, like Mason and Riley, believed that controlling what happened in the mines was best left to the local government in the mines, since it was impossible to control all activities occurring in the mines. These local governments consisted of an elected "*alcalde*" who performed the duties of recording the claims, an arbitrator that dealt with disputes, and a committee of miners that dictated the actions of crimes within the mines, all these individuals were elected amongst themselves and became sovereign forms of local governments.[6]

Historian Leonard Pitt mentioned the story of Antonio F. Coronel, a Mexican schoolteacher who came to Alta California in 1834 and made an expedition to the mines to try his luck at finding gold. In that year, Coronel pocketed enough gold to become a prominent landowner and community leader. Pitt recounted how Coronel, in the mines of 1848, heard about Californios being kicked out of the mines, but decided to make a second expedition back to the mines the following year in 1849. In that year, Coronel's return trip to the mines started off very badly, since one of Coronel's friends was physically attacked by a Bear Flagger inside a Sonoma saloon. A few weeks later Coronel and his friend returned to the Sierra, where they, along with Chileans and Mexicans, were confronted with posters declaring that foreigners had no right to be there and must leave at once or face the consequences. Tension and excitement mounted in the area and some Anglo-Americans accused five foreigners of stealing five pounds of gold. Coronel went through the trouble of defending at least one of the foreigners' honor by

[6] Abraham P. Nasatir. "Chileans in California during the Gold Rush Period and the Establishment of the Chilean Consulate." *California Historical Quarterly*, Vol. 53, No. 1 (Spring, 1974), 62. The term "Alcalde" is the Spanish word for "Mayor."

raising five pounds of gold and offering it as ransom, but with no luck. All five prisoners were convicted and whipped, while two were charged with murder and theft. The two prisoners consisted of a Chilean and a Frenchman and provided the spectacle of California's first lynching. According to Pitt, Coronel was convinced that the declining gold supply and Americans' increased jealousy of the success of "foreign miners," the incident occurred.[7]

Hugo Reid, a Scot who moved to California which it was under Mexican law, wrote a letter to his friend Abel Stearns on April 22, 1849, warning him not to go to the mines in the Sierra. The letter stated: "Don't go to the mines on any account. They are full of goods, and a rush of cattle streaming likewise to every digging. The mines are, moreover, loaded to the muzzle with vagabonds from every quarter of the globe." The Scot then described the type of people that were to be found, "scoundrels from nowhere, rascals from Oregon, pickpockets from New York, accomplished gentlemen from Europe, interlopers from Lima and Chile, Mexican thieves, gamblers of no particular spot, and assassins manufactured in Hell for the express purpose of converting highways and byways into theatres of blood." Hugo Reid then mentioned, "Judge Lynch with his thousand arms, thousand eyes, and five hundred lying tongues, ready under the banner of justice to hang, half, and quarter any individual who may meet his disapprobation." Mr. Reid finally described the mines as being overrated and "Being a complete humbug."[8]

The aforementioned, Antonio Franco Coronel, described his experiences in the mines in the year of 1849, relaying his account of the first lynching of foreigners in the mines. In detail,

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[7] Pitt, *Decline of the Californios*, 51. A Bear Flagger was an individual that supported the insurgent taking of the town of Sonoma from the Mexican residents on June 14, 1846 during the Bear Flag Revolt.
[8] Hugo Reid to Abel Stearns, April 22, 1849, quoted in Susana Bryant Dakin, *A Scotch Paisano in Old Los Angeles: Hugo Reid's Life in California, 1832-1852 Derived from His Correspondence* (Berkeley: University of California Press, 1939), 164.

Coronel explained that when he reached Placer Seco or the Dry Diggins for the second time in March 1849, later than his first time in 1848, the mines were very much cosmopolitan with a diverse population composed of Chileans, Peruvians, Californians, Mexicans, Americans, Germans, and others. Coronel further described the camps as being separated by nationalities. One Sunday, notices started to appear in the mines mentioning that anyone who was not an American citizen must abandon the mines within twenty-four hours and if they did not, they would be obliged to leave through force by a gathering of armed men. By the time the twenty-four hours passed, the foreign miners squared off with the American miners. Both were standing their ground and not giving in; four days later, the only incidents that transpired were nothing more than the cries, shouts, and shots, of drunken men. Calm returned to the mines, but some miners were removed from their diggings according to Coronel. Coronel identified the two foreign miners who were lynched as a Frenchman named Augusto and a Spaniard named Luis (not a Chilean). He described these two individuals as being very honorable and of good upbringing and that many other miners thought the same of these two individuals.

Mr. Coronel mentioned how some of the most prominent men banned together and commissioned him to investigate the reason for their arrests. Apparently, the reason for the arrest of Augusto and Luis, was because an elderly Irishman, who was also a foreigner, accused them of stealing four pounds of gold from the location where he buried it. Coronel described how he approached the leader of the group of Americans defending the Irishman with some type of solution. The Mexican miner along with his friends, pulled together five pounds of gold for the Irishman in return for letting the Frenchman and Spaniard go free. On the Irishman's behalf, the leader of the group took the five pounds of gold with the instructions that Coronel should come back later in the day with news of what he and the group would do. Next, Coronel swung

by the site a couple of hours before to meet with the leader and, to his surprise, noticed the two foreign miners' arms tied behind their backs being carried on a cart. On the cart was an inscription poorly written in charcoal which read, according to Coronel, "whoever might intercede for them would suffer the same punishment."[9] The group holding these two prisoners reached an oak tree where they hanged the two fellows. Coronel mentioned that one of the two individuals had asked to write something to his family and to arrange for their affairs, but, because of that request, he was slapped before being hanged. "This act horrified me and it had the same effect upon many others, in two days I raised camp and headed toward the northern placers."[10]

Knowing that they were heavily outnumbered by the American miners who numbered some 100,000, the Californios believed that this evil or malicious way of thinking simply came from outsiders who were mostly evil, and that evil mothered evil. These Californios, who believed that as the only true native-born citizens of California, only they had the legitimate place and right to work the mines, but were very much aware that they could not convince the outsiders. In the eyes and minds of the Californios, they could not explain the ugly behavior of these outsiders, especially the "Americanos."[11]

The fate of the Californios in the year of 1849 was not bright since, all at once, they went from being the majority to being a minority and were now seen as the foreigners in their own land, rather than being the true natives. Some statistics from Doris Marion Wright's "The Making of Cosmopolitan California: An Analysis of Immigration, 1848-1870," published by the

[9] Antonio Franco Coronel, "Cosas de California," dictated to Thomas Savage for the Bancroft Library, 1877, pp. 176-84, and published by permission of the Director, the Bancroft Library. Translated by David J. and Carol S. Weber. David J. Weber, Foreigners in their Native Land: Historical Roots of the Mexican Americans (Albuquerque: University of New Mexico Press, 1973), 171.
[10] Ibid., 171.
[11] Pitt, *The Decline of the Californios,* 52.

California Historical Society, note that about 100,000 newcomers entered California in the year of 1849. That number is broken down as follows: 80,000 Yankees, 8,000 Mexicans from Mexico, 5,000 from South America, and several thousand from miscellaneous countries of Europe; by the year 1852, that number grew to about a quarter of a million people.[12]

These outsiders, mostly from the United States and from elsewhere, greatly outnumbered the native Californios by ten to fifteen times over and, according to Pitt, reduced them to feelings of insignificance. During the Gold Rush, it was the destiny of the Californios to be thrown in together with the native Mexicans, whom the Californios were not particularly fond of. By 1850, the Mexican miners outnumbered the 15,000 Californios throughout all of California. According to Pitt, angry "Yankees," simply refused to recognize any real distinctions between Latin Americans of any geographical area. Whether from California, Mexico, Chile, or Peru, or whether they were born in California before the coming of the Gold Rush or just arrived to the territory, all Spanish speakers were lumped together as interlopers and "greasers."[13]

The vast majority of Anglo-American miners actually paid very little attention to the significant or obvious differences between the Spanish-speaking populations. They often could not identify the difference between Mexican migrants from Mexico and the actual native Spanish-speaking Californios who resided in the territory of California. Authors William D. Carrigan and Clive Webb mention that there is strong evidence that these Anglo men simply did not care or take the time to distinguish Mexicans from South Americans or Spanish speakers from Spain. Peruvians and Chileans were often lumped together with Mexicans by Anglo miners and the early sheriffs, deputies, and constables would make little effort in distinguishing

[12] Doris Marion Wright, "The Making of Cosmopolitan California: An Analysis of Immigration, 1848-1870," *California Historical Society Quarterly*, XIX (Dec., 1940), 323-343; XX (March, 1941), 65-79.
[13] Pitt, *The Decline of the Californios*, 53.

them. The outcomes of these actions by the authorities would often misidentify Chileans and Mexicans when reporting murders and lynchings.[14]

Racial intolerance and prejudice were not the sole causes of mob violence against Mexicans in the gold mines, but such feelings did make it easier for Anglos to consider lynching as a solution to their problems. In 1855, the *Georgetown News* of California confessed that Mexicans had been to blame for crimes that they had not committed. Months before, this newspaper printed the news that "horrible and mysterious murders" took place in Calaveras, El Dorado, and Placer Counties. It was widely believed that the murders were committed by Mexicans during this time, but the newspaper reported that an Anglo man with the help of two other Anglos were solely responsible for those crimes. Historians Carrigan and Webb describe that one of the most important and powerful denunciations of white racism and mistreatment of innocent Mexicans came from Francisco P. Ramirez, a newspaper editor of *El Clamor Publico*. Ramirez founded his own newspaper in 1855 and had long supported American laws, encouraging his readers to educate and instill knowledge of English into their children. In 1856, Ramirez reported on the massacre of Chileans and Mexicans in the gold fields and urged the American authorities to protect innocent Mexicans from lynching and mob violence. Ramirez also urged his readers to use their voting power to invoke change, but was disillusioned when many Mexicans voted Democrat, since Ramirez himself was against slavery in the United States. Later in 1862, Ramirez called for all Spanish speakers in California to unite in resistance to Anglo discrimination, but his dreams never fully developed since law enforcement was "deaf, dumb, blind, and paralyzed."[15]

[14] William D. Carrigan and Clive Webb, *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848-1928* (Oxford: Oxford University Press, 2013), 58.
[15] Ibid., 59-60.

Mexican miners from the northern Mexican state of Sonora were emigrating in considerable numbers to the Southern mines of California by late October 1848. These Sonorans first settled in the area between the Stanislaus and Tuolumne rivers and then spread throughout the Southern mines or dry diggings. The deplorable conditions in the northern Mexican frontier forced many to migrate to Alta California for several reasons. First, the lack of stable and easily defendable settlements in the state of Sonora from Apache raids contributed to some Sonorans leaving their homes and migrating to other areas of Mexico. Another reason for Sonorans leaving for Alta California was because missions were being secularized in the 1830s, which created an economic downward spiral for the missions, displacing several of them and offering little protection for them. By 1846, California also contained large numbers of Sonorans due to the Mexican War. During the U.S.-Mexican War, Sonorans attracted American attention because of their organized resistance to the Americans in Southern California. After the war between Mexico and the United States, Colonel Richard B. Mason, who was the military governor of California, established a temporary civil government in California. In his proclamation held in Monterey on December 27, 1847, he closed California to Mexicans, especially from Sonora.[16]

The aftermath of the U.S.-Mexican War further fueled anti-Mexican sentiment throughout the mines in California. On April 6, 1850, the *Stockton Times* printed the following letter from an unidentified American veteran of the U.S.-Mexican War, the letter stated: "I was in the Mexican War and I can tell you was some pumpkins at Chapultepec and Monterey, I know what Mexicans are. They are no men; an army of Mexicans is no more account than an army of coyotes and didn't I smash 'em." Furthermore, the letter continued, "Mexicans have no business

[16] Sister M. Colette Standart, "The Sonoran Migration to California, 1848-1856: A Study in Prejudice," *Southern California Quarterly* 58, no. 3 (1976): 334.

in this country. I don't believe in them. The men were made to be shot at, and the women were made for our purposes. I'm a white man, I am! A Mexican is pretty near black. I hate all Mexicans!"[17]

With the discovery of gold in January of 1848 at Sutter's Mill on the American River, the news spread rapidly throughout California, but the first ones to react to the news were the Americans in the area. It wasn't until June of that same year that Californios and Sonorans started moving into the area. The Sonorans were quick to head out to the placers where they were at first welcomed by the Anglo-Americans for their mining skills. Since the Americans did not know how to work about the diggings, the Sonoran presence worked in their favor. Some of the Sonoran miners headed to the Northern Mines which were located on the Sacramento River's tributaries, but the majority of them headed off to the Southern Mines which were by the San Joaquin River system.[18] In July of 1848, French consul, Jacques Moerenhout, who was mining by the American River, noticed the large numbers of Sonorans working in the mines and how successful they were. Even Andres Pico, who was the younger brother of former Alta California Governor Pio Pico, outfitted a party of Sonorans whom he brought from Los Angeles to the Southern Mines. The alcalde of Monterey, Walter Colton, who was mining in the Stanislaus mining region from August to October, witnessed many Sonorans including women working the mines as well. A French-Belgian man named Agustin Janssens, who joined some Californios and some Sonorans, noticed that by late 1848, many Sonoran miners were already being harassed

[17] Richard H. Peterson, "The Foreign Miners' Tax of 1850 and Mexicans in California: Exploitation or Expulsion?" *The Pacific Historian* 20 (1976): 265.
[18] Sister M. Colette Standart, "The Sonoran Migration to California, 1848-1856: A Study in Prejudice," *Southern California Quarterly* 58, no. 3 (1976): 335.

and deprived of their gold by unscrupulous Americans. During this time, it was not uncommon to see men who held important titles within the government to try their luck finding gold.[19]

James J. Ayers, a Scot by birth, but an American growing up, moved to the West to try his luck in mining. He, like so many others, became disillusioned with life in the mines, yet he stayed put in California and got involved in the printmaking industry in San Francisco. Ayers wrote how he would end up finding so many acquaintances from back East working and living in the mines of California. Ayers mentioned an old friend of the family who ended up becoming "a blackened Negro minstrel" for a saloon which offered to pay him an ounce of gold per day.[20] This young lad accepted the pay since he arrived to San Francisco broke with nothing to lose and, within a short period of time, began working for the saloon providing entertainment. Ayers wrote, "In the course of my walks around town, I found men digging cellars or leveling lots at the rate of ten dollars a day who had enjoyed fine positions at home. There were professors of Harvard, men who had distinguished themselves at the bar, and noted politicians, all doing days' work of the hardest kind to earn a stake to take them to the mines."[21]

As more and more people from Sonora, mostly men, kept heading for California, the Mexican government became increasingly distressed. The Sonoran Governor, Manuel Gandara, addressed the Sonoran Congress by early 1849 and noted that both the frontier portion of the state as well as the interior were being depopulated and that a further four thousand Sonorans would leave the state within that month. The Mexican press kept up with a continuous campaign from 1849 to 1850 aimed at stopping the exodus of its people. The press argued that life in Mexico was difficult, but that conditions in California were worse. The editors stressed factors

[19] Ibid., 336.
[20] James J. Ayers, *Gold and Sunshine: Reminiscences of Early California* (Boston: The Gorham Press, 1922), 34.
[21] Ibid., 34.

like the extreme cold winters, the high cost of living in the mines, a territory that lacked no laws or courts, the hostile Indian attacks on their property and lives, the injustices committed by the American government against foreigners, and the prejudice and intolerance towards people of Latin backgrounds in particular. The Mexican press also tried to persuade its citizens to stay in Sonora and work its own rich deposits of gold and silver which would pay well and help to stabilize the local economy as well as its population, but many Sonorans held very negative views of their local and state governments because of prior experiences. Throughout 1849, a company of American soldiers, left behind from the war, constructed a rope ferry at the crossing of the Colorado River for the convenience of emigrants, charging them fifty cents each for the crossing; however, for Mexicans, it was that, plus a ten percent tax on the gold they were taking out of the United States and, if they concealed their gold, they risked forfeiture. Both the Mexican government and the Mexican press protested these actions by the American soldiers, but to no avail since this practice continued well into the following year.[22] Interesting to note is that, at times, the Californios looked down upon the Sonorans and to all Mexicans coming north into California, because they were seen as a lower social order, like peons. The Californios would also take advantage of these Mexicans by doing similar things. For example, an alcalde at San Luis Obispo, established himself at a point on the road close to a mission and began charging a fifty cent toll on every single Mexican passing and using the road.[23]

According to Susan Lee Johnson, the actions that some of the Californios used to take advantage of other people, especially the Native Americans in the foothills of the Sierra Nevada in Central and Northern California, such as the Miwok Indian tribes, were unjust and unfair. The

[22] Sister M. Colette Standart, "The Sonoran Migration to California, 1848-1856: A Study in Prejudice," *Southern California Quarterly* 58, no. 3 (1976): 341-342.
[23] Ibid., 342.

author explains that people like Coronel and some of his companions, such as Benito Perez, who worked in the Southern Mines before the onslaught of the Anglo-American miners to the Gold Rush, took advantage of the true Natives by selling their blankets and/or serapes in exchange for outrageous amounts of gold. Johnson notes that Coronel sold his saddle blanket that cost him only two pesos to a Miwok Indian who asked Coronel for how much of his gold was he willing to give up the saddle blanket. Coronel asked for nine ounces of gold (worth about $112 dollars), in return for giving up his old saddle blanket. Following these actions, Coronel's companion, Benito Perez, sold his Mexican serape for two pounds and three ounces of gold which was worth about $560 dollars at that time. These Californios definitely took advantage of the Indians' lack of knowledge towards the value of money and how much their blankets and serapes were really worth in comparison to the Miwoks' gold.[24]

As Antonio Franco Coronel left for the Northern Mines, he stopped by Sacramento with his mules and loaded them with provisions. Coronel recounted that, while on his way north to the mines, he encountered his brother, servants, and anyone of Spanish stock running for their lives as they were fleeing from armed American men fourteen miles from Sutter's Mill. Once at the mill, Coronel sold his cargo and most of his mules at very cheap prices to the local men. At the time, Coronel thought that he should just leave the placers all together and head back to Los Angeles to his ranch. However, a fellow merchant at the mill convinced him to stay put and return to the mines with his people, since the feelings of hatred towards the Spanish speakers was coming from mostly a party of highwaymen and not the general population. Coronel then described the success he achieved after only one week of heading back to the mines. According to Coronel, one Irishman decided to head into Sutter's Mill and revealed all of their success,

[24] Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: W.W. Norton and Company, 2000), 219.

findings of gold, plans, and goals to others. Coronel described how, during the following week, he and his fellow Mexican miners were working their diggings nonstop in search of more gold. During the week, a large number of armed men who knew the details of the Spanish-speaking miners' success camped right next to Coronel's party. Coronel stated, "I thought about the goal of those people and I charged everyone in our camp to be very prudent and moderate so that they not give the others a pretext to bother us." This was Coronel's advice to his fellow countrymen. Coronel described how more than a hundred Americans had invaded their diggings at a moment when he and his fellow men were all literally deep in the diggings. In his own words, Coronel stated the following, "the invaders were so courteous that they asked who the leader of our party was. When I was pointed out to them, as their leader, some eight more men surrounded my digging while all of them happened to raise their pistols, their Bowie knives; some had rifles, other pickaxes and shovels."[25]

Coronel described the following incident. The leader of the one hundred-plus American men spoke to Coronel in English and told him that the diggings that Coronel and his men were working on really belonged to him and his men, since they were actually there two months before taking possession of the area and setting up boundaries that had been marked out from one side of the river to the other. All of this was in the English language, which made things more complex for Coronel, but the one thing that Coronel understood was the claim that all those diggings were the Americans' property. Coronel then stated: "Excited, I answered him harshly, but fortunately he did not understand me. I was able to reflect for a moment that gold was not

[25] Antonio Franco Coronel, "Cosas de California," dictated to Thomas Savage for the Bancroft Library, 1877, pp. 176-84, and published by permission of the Director, the Bancroft Library. Translated by David J. and Carol S. Weber. In *Foreigners in their Native Land: Historical Roots of the Mexican Americans*, ed. David Weber (Albuquerque: University of New Mexico Press, 1973), 173.

worth risking my life in this way."[26] Coronel recounted how the rest of the invaders had also taken possession of the rest of the diggings in the same manner. Coronel's companions left their diggings to go to their camps, get armed, and head back to their diggings to fight, but Coronel convinced them to calm down and put down their arms and that whatever attempt they might make would be unproductive and only cause more trouble for them. Coronel stated that for him the placers were over--afterwards he and his party mounted their horses and left the diggings for good.[27]

In time, most Californios quietly left the mines of the Sierra and left the diggings for the large number of Mexicans and even larger number of Americans. For the "Yankees," as the author Leonard Pitt referred to them, the question remained--what would they do with all those Mexicans now in the fields, camps, and mines? The Americans would switch from violence to legislation, from legislation to litigation, and then back to violence. Some American men wished to exploit, or expel, while others simply wanted to control these Spanish-speaking people. According to Pitt, a great deal of antiforeigner disturbance or upheaval originated from some of the most highly respected and admired citizens, like lawyers, public officials, military officers, merchants and even religious leaders. The first organized and officially authorized legislation against Spanish-speaking people came from a public meeting that occurred in Panama. A group of some 300 American men who were waiting to take passage on board a ship heading to California decided that something had to be done to put a halt on foreigners extracting gold from their own righteous land. The gathering took place and included General Persifor F. Smith, who was on his way to Monterey, California, to take charge of the American army there.[28] Smith

[26] Weber, *Foreigners in their Native Land*, 173.
[27] Ibid., 173.
[28] Leonard Pitt, *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley: University of California Press, 1971), 55.

drafted a letter or pamphlet while stuck in Panama waiting for passage to California, in which he expressed his right to prohibit foreigners from taking gold, unless they intended to become citizens of the nation. That pamphlet won Smith over 300 votes of approval while in Panama. In a letter addressed to the Secretary of War, he stated his concern with the fact that once army troops arrived in California, it would be impossible to prevent many of them from deserting and heading for the mines, which would result in no force being able to control the crowd of adventurers.[29]

On the 18th of January 1849, General Smith again wrote a letter to the Secretary of War, W.L. Marcy. In that letter, the general explained that he would "Consider everyone who is not a citizen of the United States, who enters upon public land and digs for gold as a trespasser."[30] General Smith described in the letter that "an indiscriminate rush of adventurers from all nations, were leaving California with large quantities of gold and will surely give a very bad foundation to society" and would be opposed to the formation of a regular form of government under the laws of the United States.[31] Smith again reiterated his concern about the troops not being able to take control of the flood of immigrants into the mines, since many were recruits and inexperienced. According to the General, the only solution to this problem would be to depend exclusively on the good will of the citizens found there who can cooperate with the authorities (those citizens were American miners).[32]

Since General Smith had specifically related in his letter to the Secretary of War that he would recruit American citizens to assist in his actions, many Americans in the mining districts

[29] General Persifor F. Smith to William L. Marcy, Jan. 7, 1849, in *California and New Mexico*, 704,705-706. http://quod.lib.umich.edu/cgi/t/text/text-idx?c=moa&cc=moa&view=text&rgn=main&idno=AGW6594.0001.001
[30] Ibid., 707.
[31] Ibid., 707.
[32] Ibid., 707.

declared themselves ready to volunteer to carry out General Smith's views. William Kelly, an Englishman who arrived to the mines in 1849, stated: "The jealousy towards foreigners was very strong indeed, the Americans calling out for the enforcement of that order for their expulsion which General Smith had issued, declaring he would not require any troops to carry it out, as they would act as volunteers on the occasion."[33]

On July 18, 1849, Hugo Reid, wrote a letter to his friend, Abel Stearns, telling him about the violence against the foreigners up in the Northern Mines and by the American River. Reid described the event as a "bomb finally bursting," and that "General Smith is blamed by everyone as the sole cause of the outrage."[34] Reid gathered the news from an Englishman who arrived to the mines from San Francisco before him and told him the news. The Englishman, by the name of Smith, recalled to Reid that American miners had ordered all foreigners out of the mines on the Fourth of July of 1849, which the foreigners did--the results were that up to one thousand people, mostly Chileans, headed to San Francisco. Months before at Sutter's Mill, an American was defending his laborers, who were all Mexicans, from the angry American mob of miners. The mob attacked other foreigners as well, which resulted in the death of several Frenchmen as well as their property being taken away and sold right away at public auctions.[35]

Racial intolerance towards the Spanish-speaking populations of Mexico and South America, especially in the mines, also evolved from the anti-Catholic and anti-immigrant movement in the eastern United States. These narrow-minded views of these foreigners from Latin America started with the rise of the political party called the "Know-Nothings," in the

[33] William Kelly, *An Excursion to California over the Prairie, Rocky Mountains, and Great Sierra Nevada. With a Stroll through the Diggings and Ranches of that Country, Vol.2* (London: Chapman and Hall, 1851), 33.
[34] Hugo Reid to Abel Stearns, April 22, 1849, quoted in Susana Bryant Dakin, *A Scotch Paisano in Old Los Angeles: Hugo Reid's Life in California, 1832-1852 Derived from His Correspondence* (Berkeley: University of California Press, 1939), 174-175.
[35] Ibid., 174-175.

1840s. According to American writer and historian, Dale L. Walker, this party formed from the breakup of the two national parties over the topic of slavery. This party was known as the American Party, but took the popular name of "Know-Nothings," by using the password "I don't know." The party and its members advocated for the exclusion of Catholics and foreigners from public office and held year-long residency requirements before these foreigners could be granted citizenship. Forming the largest immigrant numbers in the mines and being Catholic, the Mexican and South American populations were the prime targets of this particular party. The Know-Nothing Party's influence on Americans migrating to the West had a strong and lasting effect towards foreigners.[36]

Arnoldo De Leon argues that, between 1821 and 1900, there was a period of intense frontier disagreement over fundamental issues. Racial interactions between red, white, and black people pressed Anglos to maintain their leadership and dominance over dark-skinned people in the West by any means. White Americans needed to see violence in others to cover up their own wicked or morally-corrupt acts. Given the image or perception that whites held of mixed-blood Mexicans and the unstable state of frontier conditions, Spanish-speaking people were grouped next to blacks and Indians in a belittled category of animal-like people. Violence was imposed without guilt or emotion towards Mexicans who were frequently compared to blacks and Indians. White men, in particular, would not discern between the racial groups hoping to detect some attributes in Mexicans that would label them as inhuman, but according to De Leon, travelers, settlers, miners, and merchants coming into contact with them, did think along those lines. De Leon believes that one important reason why whites shared these condescending attitudes was

[36] Dale L. Walker, *El Dorado: The California Gold Rush* (New York: Tom Doherty Associates, LLC, 2003), 276-277.

the belief that Mexicans originated from a mixture of Indians and Spaniards that showed immoral, corrupt, and primitive behavior.[37]

Racist sentiments toward Mexicans were manifested in irrational attitudes, violence, and legal restrictions. De Leon states that some scholars argue that English people in the American colonies had long formed negative perceptions about the Spaniards and their Indian subjects of their colonies, so that when the time came for their descendants to head west to the Spanish and Mexican Borderlands, Anglos already held negative, preconceived, ideas about Hispanics. These perceptions were heavily influenced by the "Black Legend." Early travelers and settlers to the Spanish and /or Mexican far north had little or no admiration towards Hispanics, since they did not resemble whites in color, and seemed more like Indians and even blacks. Many Anglos perceived Mexicans to be morally flawed, lazy, and indifferent towards advancement in life with no civility, as well as lacking any skills towards human survival and competition.[38]

In the *Annals of San Francisco*, the authors mentioned that in general there were over 20,000 Spanish-speaking people in California; in San Francisco alone, there were some 3,000. The authors of this book described the demographics of that city: "Few of them are native Californians. Perhaps one-half of the number are Mexicans, and one-third Chileans. The remaining sixth consists of Peruvians and natives of Old Spain, and of parts of Spanish America other than Mexico, Chile and Peru. The Hispano-Americans, as a class, rank far beneath the French and Germans. They are ignorant and lazy, and are consequently poor."[39] On November

[37] Arnoldo De Leon, *They called them Greasers: Anglo Attitudes toward Mexicans in Texas, 1821-1900* (Austin: University of Texas Press, 1983), 63.
[38] Arnoldo De Leon, *Racial Frontiers: Africans, Chinese, and Mexicans in Western America, 1848-1890* (Albuquerque: University of New Mexico Press, 2002), 31.
[39] Frank Soule, John H. Gihon, and James Nisbet, *The Annals of San Francisco; Containing a Summary of the History of the First Discovery, Settlement, Progress, and Present Condition of California, and a Complete History of all the Important Events connected with Its Great City: To which are added, Biographical Memoirs of some Prominent Citizens* (New York: D. Appleton and Company, 1854), 471-472.

the 9th, 1853, the authors noted about these Latin-Americans that, "when roused by jealousy or revenge, as they often are, will readily commit the most horrid crimes. In proportion to their numbers, they show more criminals in the courts of law than any other class. The Mexicans seem the most inferior of the race."[40]

The large-scale migration of Chileans to California during the Gold Rush was very significant. Their numbers might have reached seven thousand and they constituted the second largest foreign group after Mexicans from Sonora. News from the Gold Rush reached Chile on August 19, 1848 when the brig *J.R.S* dropped anchor in Valparaiso. The first to head out to California were mostly merchants, but they were soon followed by miners. Many of these miners were professional experienced tunnel and shaft diggers, but many were inexperienced laborers who worked for wealthy men who paid for their passages to California. These Chileans reached California in the latter months of 1848. Many Chileans did strike it rich and ended up taking their riches back to Chile, but the majority found only insignificant amounts of gold and stayed behind in the hope of becoming rich. During their stay in the mines, many Chileans encountered racial prejudice and violence.[41]

The following testimony is from Chilean, Vicente Perez Rosales, who acted very swiftly to help his friend, Alvarez, from being lynched. Alvarez was to be killed by a group of American miners because of some supposed robbery committed against one of the Americans. Vicente Perez Rosales mentioned the following: "I do not know what he was doing with that group of men headed for the mines; but a shovel was lost, and as there were no other aliens among them but "this descendant of Africans," as the Yankees call the Chileans and Spaniards,

[40] Ibid., 471-472.
[41] Edwin A. Beilharz and Carlos U. Lopez, *We Were 49ers!* (Pasadena: Ward Ritchie Press, 1976), introduction, xvi-xvii.

they accused him of the theft. Without any further ado the barbarians became the jury. They were ready to do to Alvarez what they usually do to thieves."[42] If it had not been for Rosales standing his ground towards the Americans and informing them that they were about to commit a big mistake by lynching an honest person, Alvarez would have been killed by this group of Americans. Rosales was also in the company of a fellow American, who he had befriended while working in the mines, and who agreed with Rosales' statement by nodding his head in the presence of the American miners.[43]

An American pioneer from Kentucky, William T. Coleman, headed for California and settled in San Francisco in 1849. He engaged in the shipping and commission business, but later was very active in the 1851 and 1856 Vigilance Committees. Coleman mentioned that in the summer of 1849, an organization of men had formed into "The Hounds." Protected politically by Tammany Hall and the Know-Nothing Party, this gang would use and enforce patriotism and xenophobia as a means to expel Spanish-speaking foreigners from the mines and from San Francisco. At the same time, the Hounds were aided by convicts from Australia known as the "Sydney Ducks." The Hounds first began as recruits from the lowest rank from Colonel J.D. Stevenson's regiment of the New York Volunteers who came to the California territory in support of the Mexican War in 1847, only to be disbanded or demobilized when their services proved to no longer being needed because the war between Mexico and the United States in California concluded. Most of the troops headed for the mines and later, when the ex-soldiers reunited, they were encouraged by their leader, Sam Roberts, to perform "organized lawlessness." In 1849, organized law enforcement was still not in place because California was

[42] Journal of Vicente Perez Rosales, ed. Edwin A. Beilharz and Carlos U. Lopez, *We Were 49ers!* (Pasadena: Ward Ritchie Press, 1976), 63-64.
[43] Ibid., 63-64.

just a territory and Congress in Washington was still very much preoccupied with the issue of slavery.[44]

Ramon Jil Navarro, an Argentine, who had moved to Chile and later ended up in California during the Gold Rush, wrote in his journal that the first violence in California was directed against the Chileans. On June 26, 1849, twelve men invaded an inn owned by a Mr. Alegria, who was also a Chilean, and shot at several of the men inside who were mostly Chileans. Venting their hate at foreigners, the group of men burned down the inn; fortunately, many of the Chileans escaped including the owner. From that moment on, Chileans according to Navarro, swore to never again let injustices occur to them because of their nationality. "It was through these crimes that the people of San Francisco for the first time learned of the existence of the group of forty men called the Hounds. It was said then, and in fact there are some who still say, that most of these Hounds were Irishmen, or deserters from the British Navy, or convicts who had escaped from prison ships. However, when lynch law and their courts were established by the vigilantes, most were found to be Americans." Navarro's statement was partly true, but the Americans that he referenced were members of the disbanded New York Volunteers.[45]

In the *Annals of San Francisco*, the authors described the setting in San Francisco as people being highly preoccupied with their own personal matters and not wanting to intervene in the affairs of the Hounds. Since the American people were not targets of this band of criminals, they simply did not care or were too afraid to put a stop to the Hounds. The Hounds would chiefly attack the Spanish-speaking foreigners, but it was the Chileans, who they targeted the

[44] James A.B. Scherer, *"The Lion of the Vigilantes": William T. Coleman and the Life of Old San Francisco* (New York: The Bobbs-Merrill Company, 1939), 81-82.
[45] Journal of Ramon Jil Navarro, ed. Edwin A. Beilharz and Carlos U. Lopez, *We Were 49ers!* (Pasadena: Ward Ritchie Press, 1976), 107-108.

most. The authors of the *Annals of San Francisco* described all Spanish-speaking foreigners as the lowest and most degraded segment of the population, a group who possessed little sympathies from the community in general: "Their habits were unclean and their manners base. The men seemed deceivers by nature, while the women were immodest and impure to a shocking degree, working as washerwomen by day and prostitutes by night. Both sexes lived almost promiscuously in large tents, scattered irregularly upon the hill sides." The *Annals of San Francisco* continued, "Their dwellings were dens of infamy, where drunkenness and whoredom, gambling, swindling, cursing and brawling, were constantly going on. Such were the common victims of the Hounds, and may at first sight seem hard to tell which were the worst members of the community."[46]

According to historian Jay Monaghan, the Hounds were composed of young men who were nothing more than a band of robbers, deserted sailors, discharged soldiers, and thugs, who congregated at a tent saloon called "Tammany Hall." The mayor of San Francisco or the *alcalde* as it was called at that time, had no funds to employ them so these young men would resort to extortion to get money. Their primary victims were Chileans. With the commotion that Persifor Smith created by driving out the foreigners from the mines, a large number of Chileans, (more than a thousand), left their placers or claims and moved into the city of San Francisco. This large influx of Chileans with nothing but a few belongings, created a somewhat unforeseen problem for the city. Since the city did not have policemen to watch over these unemployed men and women, the Hounds acted as the city's regulators of peace and stability. They claimed to be upholders of law and order, but only served to cause much havoc and terror.[47] On July 15, 1849,

[46] Frank Soule, John H. Gihon, and James Nisbet, *The Annals of San Francisco* (New York: D. Appleton and Company, 1854), 555.
[47] Jay Monaghan, *Chile, Peru, and the California Gold Rush of 1849* (Berkeley: University of California Press, 1973), 163-164.

the Hounds stormed over to Little Chile, the place where the Chileans had set up their tents and took the action of tearing and burning them down. They took whatever valuable merchandise they saw fit, composed of coins, gold dust, clothes, jewelry, and firearms. Thirty-eight Chilean men were wounded and two of them severely, some twenty individuals who formed part of the Hounds were arrested within a few days, including their leader Sam Roberts. Roberts was sentenced to ten years of hard labor with a heavy fine, while the others were given lesser sentences. The prisoners were taken aboard the *USS Warren*, since there was no prison at the time. The prisoners were indicted on four accounts, including conspiracy to rob, assault, rape, and murder.[48]

On Monday, the day after the Hounds created the disturbance, Alcalde Leavenworth, Captain Simmons, and Mr. Samuel Brannan, one of the most influential merchants in San Francisco at that time who coincidentally established the first newspaper in San Francisco, came together to apprehend the gang members and create a police force with the help of the community. That same day, the community elected some judges and a district attorney with his associate counsel; the following day, a grand jury composed of twenty-four citizens met and established a bill against the Hounds. On Wednesday, the trials began with Alcalde Leavenworth acting as the leading Judge. The penalties administered on the prisoners were never actually carried through. Soule, Gihon, and Nisbet wrote on how some of the prisoners were later deported and some were set free. The three authors mentioned in their book that some influential and respected members of society had "secret intimacies and mysterious dealings" with certain leaders of the Hounds. The influential men had political interests and sought out these gang members to create a public disturbance, but nothing too drastic. When these men

[48] *Alta California*, August 2, 1849.

started to realize that the actions of the Hounds were getting out of hand, these important members of society would not take any action to stop them for fear of finding some connection between themselves and the Hounds. In the end, the wealthy and important men's pawns turned out to be "their disgrace and terror."[49]

James J. Ayers, the Scottish miner, recounted the story of "The Calaveras War." Just like many white American miners refused to have Indian peons working for a few wealthy foreign Chileans, they passed similarly resolutions in their camps to drive out the Chileans. Ayers explained that many of these Chileans simply refused to leave and instead drove out Americans from their claims.[50] According to Ayers, the Chileans came across tents where Americans were located and took 13 captives including him. The Chileans were a group of sixty men and they marched the prisoners to the south fork of the Calaveras River, but decreased considerably as many peons deserted or left the Chilean party knowing that the consequences of having American prisoners were going to be serious. The Scot described how he and the prisoners were able to set themselves free while their captives were sleeping and finally making the captors now their prisoners.[51] The outcome of this story is that the Chilean prisoners were turned over to a rescue party composed of Americans from Stockton which Ayers called the "Stockton Rangers." The rescue party then rounded up the prisoners and took them to Stockton where a large delegation of miners organized a court to try the Chileans. The outcome of the trial was the killing of two of the Chilean leaders, five of the major participants being whipped repeatedly, and two Chileans having their ears cut off.[52] After the whole affair, Ayers described the miners' justice and laws as "our civilization is, after all, but a veneering, and that our inherent nature is

[49] Frank Soule, John H. Gihon, and James Nisbet, *The Annals of San Francisco* (New York: D. Appleton and Company, 1854), 560-561.
[50] James J. Ayers, *Gold and Sunshine: Reminiscences of Early California* (Boston: The Gorham Press, 1922), 47.
[51] Ibid., 50, 54-55.
[52] Ibid., 56-58.

that of the savage, only requiring the proper circumstance, conditions and surroundings to draw it out and put it conspicuously in evidence."[53] Ayers felt that the punishment was very barbaric, yet believed it to be necessary since the Chileans had taken the law into their own hands by refusing to accept the terms and conditions of the American miners' laws.

One American who described his own countrymen as being completely intolerant of foreigners was Josiah Royce, who was born and raised in California during the Gold Rush. Royce recalled his memories of growing up and what it meant to be an American moving to this new state. "The newcomers, viewed as a mass, were homeless. They sought wealth and not a social order. They were, for the most part, as Americans, decently trained in the duties of a citizen; and as to courage and energy they were picked men, capable, when their time should come for showing true manhood, of sacrificing their vain hopes and enduring everything." Royce continued, "But their early quest was at all events an unmoral one; and when they neglected their duties as freemen, as citizens, and as brethren among brethren, their quest became not merely unmoral, but positively sinful."[54] Royce described in his own words, "It was a hearty American contempt for things and institutions and people that were stubbornly foreign and that would not conform themselves to American customs and wishes." Royce further described Americans, as "Representatives of their nation these gold-seeking Americans were; yet it remains true, and is, under circumstances, a very natural result, that the American had nowhere else, save perhaps as conqueror in Mexico itself, shown so blindly and brutally as he often showed in early California his innate intolerance for whatever is stubbornly foreign."[55]

[53] Ibid., 59-60.
[54] Josiah Royce, *California from the Conquest in 1846 to the Second Vigilance Committee in San Francisco: A Study of American Character* (New York: Alfred A. Knopf, Inc., 1948), 217-218.
[55] Ibid., 217-218.

Having been born and raised in California under the American government, Royce was an advocate and defender of true justice, hated lying, and was a man of true integrity. Royce argued that a lawless community was the product of the indifference and irresponsibility of decent citizens. He further described that the situation in California was the ambiguous condition of having the absence or weakness of formal legal institutions, the sudden impact of a vast, diversified, immigrant population, the lack of stable elements like belonging to a home, church, and family, the violent anti-foreign prejudice, and the nature of the mining industry which gave rise to greed and envy and dirty competition. These unfavorable factors would make men disintegrate from society, law, and order; as conditions became further intolerable, the community would resort to lynch law as a barbaric and merciless remedy for crime and turmoil.[56]

In describing the difference between miners' law and lynch law, Royce credited the opinions of Charles Howard Shinn. Royce explained how Shinn based his differences between the two types of law by gathering information from people who had lived and worked in the mines. The miners' forms of laws were not only efficient for their own purposes, but also very earnest. According to Royce, "Lynch law is sudden in its actions, creates no real legal laws, it keeps no actual records, is clandestine, conceals the names of its ministers, it is generally carried out at night by a short lived mob, expresses popular passion and is for the most part disorderly."[57] Royce then described miners' law as being, "Very open and public in its methods, showing consistency of procedures, giving the accuser a fair chance to defend himself or herself,

[56] Ibid., Introduction, xxii-xxiii.
[57] Ibid., 248.

being conducted in broad daylight by men who were properly chosen, and finally ready to resign once county and state authorities were established to take over."[58]

Royce made it clear that, in 1849, the young camps were relatively peaceful and free of any notable general disturbances, but, in 1850 and 1851, the popular justice of the mines dealt with some very serious complications. In dealing with some cases that were held during those years, Royce described the miners as being "largely unconscious" when setting up the boundaries or lines between lynch law and miners' law. The California newspapers of 1850, 1851, and 1852 generally defended miners' justice according to Royce, but travelers' accounts sometimes did not. The newspapers would show that the miners' justice or law was not always so easy to distinguish from mob law and that at times even though this miners' law was used in a formal, calm, and collective manner, the same miners' law would be used as a weapon of "brutal popular passion or even of private vengeance."[59]

At the Mokelumne Diggings, Bayard Taylor, an American correspondent for *The New York Tribune*, mentioned that, in the summer of 1849, it was widely believed that the Sonorans from Northern Mexico left California with some five million dollars' worth in gold, creating ill feelings towards them. According to the reporter, "The excitement against them prevailed also on the Mokelumne, and they were once driven away. The first colony of gold-hunters attempted to drive out all the foreigners, without distinction, as well as native Californians. Don Andres Pico, who was located on the same river, had some difficulty with them until they could be made to understand that his right as a citizen was equal to theirs."[60]

[58] Ibid., 248.
[59] Ibid., 250.
[60] Bayard Taylor, *Eldorado or Adventures in the Path of Empire* (New York: G.P. Putnam and Son, 1868), 87.

Charles Shinn, who wrote the book *Mining Camps: A Study in American Frontier Government*, thirty years after the Gold Rush, explained that it was the Anglo Americans from 1848 and the "home-hungry, home-creating few of the thousands of 1849," who formed the core of safety committees and mining camp courts of law. The trouble was mostly in the Southern Mines, like Sonora, where as early as July 1849, about fifteen thousand foreigners, principally Mexicans, had made their way to the camps. Shinn described them as armed bands who had made the country unsafe, since most of them were outlaws and desperadoes and who brought with them women of loose character. Their opponents were Americans who elected their own men as leaders or "alcaldes" who were in charge of the camps and its laws, just like under Spanish or Mexican times. Shinn recognized that the methods taken by the Americans were not always just and fair, since in many individual cases, weak and vulnerable Mexicans were targeted with their claims and property being taken away. With that in mind, Shinn along with others, recognized that organizations founded and led by Americans were needed for law, peace, and order.[61] Tuolumne County was one of those places in the Southern Mines where mob laws were put to rest when Judge Tuttle and other judges had made their way into the county, stating that the county now had official laws and courts and would not allow any more extra-legal affairs. Judge Tuttle stopped the hanging of two Mexicans suspected of murdering two Americans in the summer of 1850, simply because they were caught burning their bodies. The judge set up a trial with jury and found no evidence to imprison the two men, much less hang them. Since the two prisoners were let go, the mob of American miners, consisting of over two thousand armed men with mixed results, were overly excited since there were rumors of a Mexican uprising in a nearby camp. The results were that over one hundred Mexicans were

[61] Charles Howard Shinn, *Mining Camps: A Study in American Frontier Government* (New York: Alfred A. Knopf, Inc., 1948), 133-134.

arrested and confined in a corral in Sonora, but they were later released because they were proven to be innocent.[62]

In his book, Shinn explained that there were two Mexican prisoners and they had been slated to be set free because of Judge Tuttle's intervention. However, the newspaper, *Alta California*, on August 1, 1850, detailed a very different story. The newspaper mentioned the troubles that had been going on in July of 1850 with the Sonoran Mexicans and described the tension brewing in the county. The Americans living there had taken the law into their own hands by creating their own jury and picking their own justice of the peace, so that an execution of four Mexicans could take place. The Justice of the Peace, Justice Barry, along with a sheriff, George Work, and a Judge Marvin were the law for the moment and tried their best to calm the mob of miners from getting more enraged, but to no avail. The evidence suggested that the four Mexicans burned down the tent of the two Anglo-American miners, with them inside. An ax and shovel belonging to the Americans were now part of the Mexicans' possession. These outcomes were not in the four Mexicans' favor even though their defense was that it was customary in their culture to burn dead bodies. The court was not able to come up with a jury right away since some men argued that they should have a real legal system in its place instead. To the prisoners' downfall, the mob elected one of their own as the new judge along with a new jury composed of American miners from that mob, while the court retired to consult the affairs of the prisoners. During the court's absence, the mob got ahold of all four prisoners, found them guilty, and was able to lynch one of them just before Judge Tuttle and others put a stop to it. Judge Tuttle,

[62] Ibid., 205-206.

according to the paper, gave a powerful and eloquent speech, urging them to respect the laws even though he was putting his life at risk before a crowd of hundreds.[63]

On April 13, 1850, the Foreign Miners' Act was passed which imposed a tax of $20 dollars per month in the form of a license upon all non-citizens of the United States working in the California mines. This act gave authorization for the tax collectors to retain $3 dollars for each of the twenty dollars collected.[64] Thomas Jefferson Green was the author of the act; he won the 1850 election as state senator in Sacramento. According to Green, this tax, would strengthen the California economy by bringing in some $200,000 dollars per month, would discourage mob action, limit labor competition, limit immigration, and break up foreign monopolies and even offer protection to the foreigners if they paid their taxes. However, the Foreign Miners' Act proved to be more detrimental than beneficial.[65]

On July 2, 1850, *The Alta California* printed the events that occurred in the Southern Mines by many foreigners, principally Mexicans, who were highly upset over the taxation imposed on them. According to *The Alta California's* correspondent sent to Stockton, there were numerous accounts of robberies and murders taking place: "Ever since a band of armed men visiting the mines where the foreigners worked at, informing them that they were tax collectors, enforced the payment of a tax, or drove them from the mines. Many of the persons who have since left the mines, unable to pay the tax, have been prowling about, on the watch for opportunities to take revenge or steal."[66]

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[63] *Alta California*, August 1, 1850
[64] California, Statutes, 1850, Chapter 97, pgs. 221-222.
[65] Leonard Pitt, *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley: University of California Press, 1971), 60-61.
[66] Correspondence from *The Alta California,* Stockton, July 2, 1850.

On several occasions, the newspaper, *The Alta California,* labeled Mexicans as murderers and bandits against Americans and their property, and even against other foreigners. On July 2, 1850, the newspaper reported that a German miner who was taking care of his mules was murdered and that most likely Mexicans had done it. On August 1, 1850, the newspaper reported the attempted murder of a Dr. Freeman and Mr. Chase on Mormon Gulch--both received severe wounds to their bodies and it was believed to have been Mexicans causing the attacks.[67] A correspondent from *The Stockton Times* reported from Tuolumne County that several resolutions were passed to protect Americans and their property from the "Peons of Mexico, the renegades of South America, and the convicts of the British Empire." The correspondent described the situation at Mormon Gulch as going from bad to worse, in respect to the hatred towards the foreigners, especially Mexicans: "At Mormon Gulch, resolutions have been passed to drive out all Mexicans from the mines. The law is virtually set aside by the people, and their own regulations substituted as the criminal code of the country. What fills me more with indignation is the fact that the principle enemies of the Mexicans, is the foreign population in the mines!"[68]

One of those travelers who were shocked by the sight of injustices towards Spanish-speaking people in the mines by other miners was a woman by the name of Mrs. Louisa Amelia Knapp Smith Clapp, who was known in California under the name of Dame Shirley. She and her husband headed out west from the northeastern part of the United States via Cape Horn, first establishing themselves in San Francisco, before moving to the mines shortly thereafter. While living in a camp called Rich Bar on the Feather River in the Northern Mines, Dame Shirley wrote a series of letters to her sister in New England describing her experiences and various

[67] Correspondence from *The Alta California,* Sonora, August 1, 1850
[68] Correspondence from *The Stockton Times*, Sonora, August 1, 1850.

scenes in the West. On October 20, 1851, Shirley wrote a letter about a "Squire." This man was an outsider from the mines and had somehow been nominated and given the title of Justice of the Peace to the mining town of Indian Bar. Shirley wrote: "The people here wish to have the fun of ruling themselves. Miners are as fond of playing at law-making and dispensing, as French novelists are of "playing at Providence."[69] Shirley then wrote in her letter, "They say also, that he was not elected by the voice of the people, but that his personal friends nominated and voted for him unknown to the rest of the community." In her letter, Shirley described this man who she had the opportunity of meeting in a log cabin and came to the conclusion that this man did not possess the qualities needed to run, lead, rule, and, most importantly, keep order of a population of rowdy men. "The Squire may, after all, succeed. As yet he has had no opportunity of making use of his credentials in putting down Miners' Law, which is of course the famous code of Judge Lynch. In the meantime, we all sincerely pray that he may be successful in his laudable undertaking, for justice in the hands of a mob, however respectable, is at best a fearful thing."[70]

In Rich Bar, where Shirley and her husband lived, was a mining camp discovered in the summer of 1850. This camp became extremely important to the miners due to an event, where one miner, named Greenwood, washed three thousand dollars out of two pans excavated on the site. The result was that hundreds of miners flocked to the exact location because of the news limiting the miners to only ten square feet as the maximum size of a claim.[71] According to Scottish traveler and miner, J.D. Borthwick:

[69] Louise Amelia Knapp Smith Clappe, "Dame Shirley," *The Shirley Letters: Being Letters written in 1851-1852 from the California Mines* (Santa Barbara: Peregrine Smith, Inc., 1970), 62-63.
[70] Ibid., 62-63.
[71] Ibid., Introduction, xiv.

> "To establish one's claim to a piece of ground, all that was requisite was to leave upon it a pick or shovel, or other mining tool. The extent of ground allowed to each individual varied in different diggings from ten to thirty square feet, and was fixed by the miners themselves, who made their own laws, defining the rights and duties of those holding claims; and any dispute on such subjects was settled by calling together a few of the neighboring miners, who would enforce the due observance of the laws of the diggings."[72]

Dame Shirley revealed in her letter addressed to her sister Molly, written on May 1, 1852, that a Spaniard was stabbed to death by an American. The cause of the death was simply because the Spaniard asked the American to please give him back the two dollars that he had lent him. Shirley described the Americans as: "His high mightiness, the Yankee, was not going to put up with any such impertinence, and the poor Spaniard received, for answer, several inches of cold steel in his breast." Shirley mentioned that nothing was done by the community and that very little was said about that horrid act. In that same letter, Shirley wrote how new resolutions at Rich Bar were being implemented for the inhabitants for the summer. These resolutions stated that no foreigner shall work in the mines at all, which had caused the rippling effect of forcing nearly all the Spaniards out of Rich Bar and into Indian Bar. Shirley described the Spanish-speaking people as "Spaniards."[73]

On the 4th of July of 1852, Dame Shirley celebrated American independence at Rich Bar with several other American men and women. There had been some drinking, dancing, and laughing, but at around five o'clock in the afternoon of that same day, Shirley heard shouting right outside her house. "Down with the Spaniards! The great American People forever!" Shirley wrote that the principle actors in the shouting which led to fighting against the foreigners,

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[72] J.D. Borthwick, *The Gold Hunters: A First-Hand Picture of Life in California Mining Camps in the Early Fifties* (New York: Outing Publishing Company, 1917), 127.
[73] Louise Amelia Knapp Smith Clappe, "Dame Shirley," *The Shirley Letters: Being Letters written in 1851-1852 from the California Mines* (Santa Barbara: Peregrine Smith, Inc., 1970), 126-127.

where seven or eight of the "elite" of Rich Bar, who were drunk with "whisky and patriotism."[74] The scene was very typical of these particular days of festivities and, according to Shirley, these few men, who were supposed to be the best educated and peaceful, were the ones starting the chaos which led to several Spaniards being seriously injured. Shirley described how, for some time in the gold mines, there had been an increasing state of "bad feeling" coming from American miners towards foreigners, mostly Spanish-speaking foreigners. Shirley explained, "It is feared that this will not be the end of the fracas, though the more intelligent foreigners, as well as the judicious Americans, are making every effort to promote kindly feeling between the two nations. This will be very difficult, on account of the ignorant prejudices of the low-bred, which class are a large proportion of both parties."[75]

Sometimes class had nothing to do with how little violence or how much of it would occur in the mines, but that was not always the case. In the situation previously mentioned by Dame Shirley, the "elite" or the cream of the crop of Rich Bar were the ones who started the violence that then spread to the larger working class. Shirley wrote, "It is very common to hear vulgar Yankees say of the Spaniards, "Oh, they are half-civilized black men!" These unjust expressions naturally irritate the latter, many of whom are highly educated gentlemen of the most refined and cultivated manners. We labor under great disadvantages, in the judgment of foreigners." Shirley continued, "Our peculiar, political institutions, and the prevalence of common schools, give to all our people an arrogant assurance, which is mistaken for the American *beau ideal* of a gentleman." Dame Shirley was trying to explain to her sister, that no

[74] Ibid., 142.
[75] Ibid., 142.

matter how much education an American, man or woman attained, they would always have an air of superiority over anything foreign.[76]

Dame Shirley described the Americans working and living at Rich Bar as a "better class of mechanics," with sailors and farmers trailing next to them, along with merchants, clerks, a couple of doctors and even a lawyer. The American miners, on the other hand, were described by Shirley as "gamblers who ruled society." For the most part, these miners were reckless and evil and the rest of the population were too afraid to confront them when injustices towards the Spanish-speaking folks were committed; instead, they would just look the other way.[77]

In a letter written on August 4th, 1852, Shirley noted that there was even more turmoil with regards to racial tension and violence at Rich Bar. Dame Shirley wrote in detail about the death of Tom Somers, an Irishman, which was the result of a murder committed by a Spaniard named Domingo. Apparently, the Spaniard killed the Irishman with a knife because of a racial slur against him. Immediately afterwards, Domingo paraded down the street at Rich Bar with a Mexican girl with his bloody knife. Shirley wrote that during the scene, Americans were angered, but unarmed. There was a rumor at Rich Bar that the Spaniards were going to commit the harmful act of killing all the Americans by the Feather River, but the rumor was never found to be true, according to Shirley. The murder of the Irishman by the Spaniard caused the American miners to go after Domingo across the river, but with no success. The consequences of this event led to the Americans shouting "Down with the Spaniards!" Filled with anger over the supposed rumor, the Americans armed themselves with rifles, pistols, clubs, and knives for the purpose of killing Spanish-speaking people. Shirley heard the shouting: "Down with the Spaniards! Drive every foreigner off the river! Don't let one of the murderous devils remain.

[76] Ibid., 143.
[77] Ibid., 143.

Oh, if you have a drop of American blood in your veins, it must cry out for vengeance upon the cowardly assassins of poor Tom."[78]

Shots were heard that day resulting from an Englishman trying to break free from a crowd of armed Americans: He took a gun from one of them and shot two men by accident further increasing the chaos in the camp. The following day, as the crowd had buzzed with excitement, the community of miners formed and elected a Vigilance Committee to find the Spaniards involved in the so-called conspiracy to kill all Americans. The Committee tried the small group of Spaniards and proceeded to whip some of them and expelled others from the camp. Shirley described in her letter to her sister Molly the following: "Imagine my anguish when I heard the first blow fall upon those wretched men. I had never thought that I should be compelled to hear such fearful sounds, and, although I immediately buried my head in a shawl, nothing can efface from memory the disgust and horror of that moment."[79] Shirley continued, "I had heard of such things, but heretofore had not realized, that in the nineteenth century, men could be beaten like dogs, much less that other men, not only could sentence such barbarism, but could actually stand by and see their own manhood degraded in such disgraceful manner."[80] These images haunted Shirley for quite some time and she realized that the sentences were unnecessarily severe. The rage, excitement, and rowdiness of the crowd, who demanded that the men be beaten and even murdered, was too strong, that even the Committee could do nothing more but side with them. In the following days from these trials, the crowd, composed of rowdy men, paraded the streets of Rich Bar drunk and caused nothing but disturbances to other miners trying to sleep. Shirley mentioned that this crowd was called the "Moguls" and that the

[78] Ibid., 147-148.
[79] Ibid., 150.
[80] Ibid., 150.

Vigilance Committee did very little to interfere with it, since it was rumored that some of the ringleaders of the Moguls were members of the Committee itself.[81]

Spanish-speaking miners, having been born in California along with Mexican and Chilean miners, were at a disadvantage when greater and more significant numbers of Anglo-Americans started to migrate to the West. At first, these Hispanic miners were not bothered and left alone within their surroundings, but with large numbers of peons working for a few wealthy Latino men, friction in regards to labor and wage competition erupted. The racial animosity along with jealousy contributed greatly in the passing of resolutions within the mining camps followed by the Foreign Miners' Tax Law which only helped in driving out the Spanish-speaking population away from the mines. The social constructions of whiteness and citizenship did not include these men, since they did not fulfill the requirements that Anglo-American men laid out that served their own interests.

[81] Ibid., 155-156.

CHAPTER III

THE CHINESE

The Chinese in San Francisco were depicted as being an exclusive race which interacted very little with other people. The *Annals of San Francisco* stated the following: "They were now beginning to arrive in considerable numbers, bringing with them a number of their women, who are among the filthiest and most abandoned of their sex." The Chinese were compared to free Negroes and described as "the hewers of wood and the drawers of water" of the city. The Chinese men performed washing and other "women's business and such menial offices as American white males would scorn to do for any remuneration." The *Annals of San Francisco* continued by informing its readers that "The Greasers, 'who are verily of the earth, earthy,' helped the 'Celestials' and the black fellows, or infernals, in their dirty work."[1] These were some negative descriptions of the Chinese that were also held by most white Americans of San Francisco as well as with those at the gold mines during the California Gold Rush.

The Chinese dealt with many hardships in the mid-1800s, principally problems with overpopulation, floods, rebellions, extreme poverty, and farmers unable to pay their taxes, but with the news of gold being discovered in California, many took advantage of such reports and promptly migrated. Even though the Chinese were slow in arriving to California after the discovery of gold at Sutter's Mill in January of 1848, they were growing in number by the early

[1] Frank Soule, John H. Gihon, and James Nisbet, *The Annals of San Francisco* (New York: D. Appleton and Company, 1854), 368-369.

1850's. The Chinese arrival to "*Gam Saan*" or "Gold Mountain", as it was called in their language to describe California, was met with suspicion from whites based on their peculiar dress, habits, culture, and race. As their numbers increased to more significant proportions in the mines of the Sierra Nevada, Chinese men encountered racial hatred and violence, stemming from their work in the diggings, labor competition, the tendency of them to work for less money, and the sole condition that they were seen as inferior individuals who were not fit for citizenship of the United States.

William Speer, who was an American Presbyterian minister, fought on behalf of the Chinese laborers in California for two things in particular. The first one was to have the license for Chinese miners reduced to four dollars per month and the second was to have the capitation tax of $50 dollars per head be reduced to five dollars each.[2] In 1855, the California legislature passed a law called, "An Act to Discourage the Immigration to this State of Persons Who Cannot Become Citizens Thereof." This act imposed on the captain of his vessel a landing tax of $50 dollars for each Chinese passenger who was categorized as ineligible for citizenship.[3] The latter law, which Speer was against, clearly showed California's xenophobic ideals. Although these laws were later in the 1850s, the Chinese community would face hardships and obstacles for decades to follow, but first it is important to look at what happened at the beginning of this migration.

Since the first discovery of gold in California, there was disorder in the mines for the first couple of years, which was the result of many reasons and causes. Mary Roberts Coolidge, who

[2] William Speer, *An Humble Plea, addressed to the Legislature of California, in behalf of the Immigrants from the Empire of China to this State* (San Francisco: Published at The Office of The Oriental and printed by Sterett & Company, 1856), 4-5.
[3] Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989), 82.

was an early professor of Sociology at Stanford University in the early 1900s, stated that the strongly held belief among miners--that California was for Americans only and that foreigners were trespassers--was based on greed and jealousy, but not yet backed by law. Race hostility towards Indians, Latinos, Blacks, and Asians was mixed with the political beliefs of the Know-Nothing Party which expanded its intolerant and xenophobic views from East to West. Coolidge argued that Americans in the West, whether native-born (naturalized and unnaturalized) or not, joined forces against dark-skinned foreigners in the mines. The author stated that a significant proportion of the members of the party were Irish immigrant Roman Catholics who, ironically, were themselves seen as targets of the Know-Nothing Party.[4]

The state legislature of California, represented in the Senate and Assembly, created an act called "An ACT for the better regulations of the Mines, and the government of Foreign Miners." This act better known simply as the Foreign Miners' Tax was passed on April 13, 1850. This law stated that "No person who is not a native or natural born citizen of the United States, or who may not have become a citizen under the treaty of Guadalupe Hidalgo (all native California Indians excepted), shall be permitted to mine in any part of this State, without having first obtained a license to do so according to the provisions of this Act."[5]

When this act or tax law was passed in 1850, the victims were Spanish-speaking miners from Sonora, Mexico, Chileans, and the native Californios, as described in the previous chapter. The victims were not the Chinese, since prior to 1850, they were insignificant in number. In 1850, about forty-four vessels left Hong Kong for California with approximately 500 Chinese

[4] Mary Roberts Coolidge, *Chinese Immigration* (New York: Henry Holt and Company, 1909), 29.
[5] *California Statutes*, 1850, p.221.
http://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1850/1850.pdf

male passengers.[6] According to Coolidge, at least half the Chinese men who went to California were married and expected to not only make a fortune for themselves, but to bring that fortune back to their families in China. Social norms in Chinese culture dictated that no man over twenty years of age should remain unmarried unless he was a wanderer or very poor.[7] During this time in the mid 1800's, there was a strong sentiment in China in opposition to any respectable woman leaving China, even if she were following her husband overseas, which explains why very few women went to America.[8] More in-depth comments concerning Chinese women will be discussed in the following chapter.

The southern part of China with its province of *Kwang Tung* or Canton, as is usually known to Westerners, was the region of China that exported most of its people to the United States. The rich and fertile agricultural land of Canton was the territory of European trade and contact. Coolidge stated that the Cantonese people had more contact with European foreigners than their inland counterparts and, as such, were characterized by foreigners as having more energy and ambition than other Chinese from other parts of the country.[9] William Speer reported that the early rush of Chinese immigration to California was largely due to the efforts of Americans themselves. Between the years of 1849 and 1851, the numbers of Chinese heading to America were a small, yet growing, number. As Chinese men returning to China would bring back news of gold and riches, those numbers would grow to almost ten times that amount by 1852. Speer explained that foreign shipping merchants in Hong Kong and Canton would take full advantage of this by circulating posters, maps, and pamphlets, showing exaggerated accounts

[6] Mary Roberts Coolidge, *Chinese Immigration* (New York: Henry Holt and Company, 1909), 17.
[7] Ibid., 18.
[8] Ibid., 18-19.
[9] Ibid., 19.

of the "Golden Hills."[10] It should be noted that, according to Speer, numerous ships sent out native Chinese agents to recruit and obtain passengers which encouraged over eighteen thousand men to leave China bound for America. Out of the eighteen thousand men, only twenty-five were women; approximately eleven thousand arrived during the months of June and July of 1852.[11]

According to statistical and demographical information obtained by the Collector of the Custom House of San Francisco, in the year of 1849, the official reported a total of 323 Chinese passengers entering the port. In the year 1850, there was just under 500 passengers from China, but in the year of 1851, the number of Chinese passengers climbed to 2,716. The year 1852, however, caused the most alarm within the local population of California, since the number of Chinese passengers entering San Francisco increased to 18,434. William Speer gathered this information from the Custom House when he showed these figures to the state government in California; however, he knew very well that the figures above were not the most accurate. Speer stated "It is known that ship captains have been in the habit of reporting less than the correct number, both to avoid fines and to save the hospital fees, which they always, however, exacted."[12] Historian Ronald Takaki reported in his book on the Asian American experience in America that 20,026 Chinese men entered California in 1852 as opposed to what the Custom House reported for that same year.[13]

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[10] William Speer, *The Oldest and the Newest Empire: China and the United States* (Hartford: S.S. Scranton and Company, 1870), 486.
[11] Ibid, 486.
[12] William Speer, *An Humble Plea, addressed to the Legislature of California, in behalf of the Immigrants from the Empire of China to this State* (San Francisco: Published at The Office of The Oriental and printed by Sterett & Company, 1856), 7.
[13] Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989), 79.

In the few years prior to 1852, Chinese men were welcomed, applauded, and even considered almost indispensable to the mines, camps, towns, and San Francisco itself. Coolidge suggested that the Chinese men were highly valued as simple laborers with occupations as carpenters, cooks, and even miners, since there was plenty of room and opportunity to do so. The restaurants established by Chinese immigrants in San Francisco and in the mining towns were kept in good conditions and attracted ample and regular patrons.[14]

The Englishman, William Kelly, who headed to California overland, praised the Chinese for their food and restaurants. In the mines and camps, the Chinese had a couple of things going for them; one of them was their cooking and several Chinese men proved highly successful in that occupation. The harsh conditions of the environment plus the arduous work in which the miners engaged, created an uncontrollable appetite and desire to just relax while eating food that was appealing to them, especially given how it was prepared. William Kelly wrote, "There are houses of refreshment at every turn—the American Tavern, the French Restaurant, the Spanish Fonday, and the Chinese Chow-Chow. But amidst the host of competitors the Celestials carry off the palm for superior excellence in every particular."[15] Kelly then goes on to describe the variety of dishes on the menu, "They serve everything promptly, cleanly, hot, and well cooked; they give dishes peculiar to each nation, over and above their own peculiar soups, curries, and ragouts, which cannot be even imitated elsewhere; and such is their quickness and civil attention, they anticipate your wants, and secure your patronage."[16] The term "Celestials" was applied to the natives of China during the nineteenth century since China was known as the "Celestial

[14] Mary Roberts Coolidge, *Chinese Immigration* (New York: Henry Holt and Company, 1909), 21.
[15] William Kelly, *An Excursion to California over the Prairie, Rocky Mountains, and Great Sierra Nevada. With a Stroll through the Diggings and Ranches of that Country* (London: Chapman and Hall, 1851), 244.
[16] Ibid.

Empire" by Westerners. China was referred to as "Tian Chao" by the natives, which roughly translates to "Empire of Heaven."

As soon as the Chinese men arrived to the mining areas, they would take up old and abandoned claims that were viewed as worthless by previous white miners. The Chinese miners realized that those abandoned mines or claims were theirs, so long as nobody wanted them anymore or they were no longer being used by other white miners. By being in complete isolation, not bothering anybody, and not occupying good productive claims, the Chinese felt safe and even welcomed. The following is an account of a white miner from New England, "they soon flocked into the mining regions in swarms, well satisfied to work over the old abandoned claims left and deserted by others."[17] The miner named Haskins continued, "They were welcomed by the mining community with open arms, as it was soon discovered that the Chinese would not preempt, or locate any new mining grounds, desiring only to buy at a fair price the old worked-out claims which had been abandoned."[18] Haskins explained that the white miners also liked the fact that they could take advantage of the opportunity of not only moving to better grounds, but selling their old mining claims to the Chinese immigrants.[19]

John Frost, a schoolteacher from Philadelphia, went to the West to become a writer. While in California, he followed the Chinese community with fascination. Frost described them as men proving to be good citizens, quiet, inoffensive, and very industrious. While in San Francisco, he mentioned how clean and orderly they had their restaurants, while that of the French were dirty and unsanitary. Frost was quick to apologize for having believed that the Chinese were people of dirty habits when his encounter at one of their eating establishments

[17] C.W. Haskins, *The Argonauts of California: Being the Reminiscences of Scenes and Incidents that Occurred in California in Early Mining Days* (New York: Fords, Howard & Hulbert, 1890), 189.
[18] Ibid., 189.
[19] Ibid., 189.

changed his prior perceptions. While many beliefs about the Chinese persisted in 1850 California, one of the most persistent, was that the Chinese were bound by contracts as laborers to work at a scale of wages very far below the average paid to the other workers in general. [20]

In the city of San Francisco, the mayor of that city, Mayor Geary held an important ceremony on Portsmouth Square on August 28, 1850. This ceremony was assembled to present the Chinese residents with religious tracts, papers, and books, all of which were printed in Chinese characters. The Chinese men gathered around the plaza and were dressed in their native traditional dress or garb to accept the gifts by the Mayor of San Francisco. According to the *Annals of San Francisco,* these Chinese men were called "China Boys" and were very pleased to be called that by the rest of the population. On this day, Mayor Geary extended to the Chinese residents an invitation to attend the funeral procession of the death of the American President Taylor the following day. For the mayor of this city to go out of his way to include the Chinese residents at such an important event, meant a lot for the Chinese men since they felt that they were just as important as other residents. On August 30th, 1850, the Chinese community of San Francisco was pleased to have been part of the funeral procession and presented to Mayor John W. Geary a letter of gratitude in Chinese characters. The letter was written by a Chinese man named As-sing in which he thanked the Mayor for taking them into consideration and inviting them to take part, with the citizens of San Francisco, in honoring the memory of the late President of the United States, General Zachary Taylor.[21]

William Shaw, an Englishman who sailed from England to Australia, grew disillusioned with attempts at gold finding in Southern Australia and learned of the more exciting and

[20] John Frost, *Frost's Pictorial History of California: History of the State of California. From the Period of the Conquest of Spain, to Her Occupation by the United States of America* (Auburn: Derby and Miller, 1853), 100-101.
[21] Frank Soule, John H. Gihon, and James Nisbet, *The Annals of San Francisco* (New York: D. Appleton and Company, 1854), 287-288.

profitable gold being found in California, so he left Australia for California in 1848. While on board the ship travelling around the world to get to California, he described the Chinese passengers and the Malaysian people with mixed feelings. "We had a Chinese cook and carpenter on board, who readily fell into the habits of the Malays; the Celestials being a more intelligent race, though they seemed to have less craft and courage than the Malays. Shaw continued, "It was highly amusing to witness the grimaces, and listen to the jabbering of the Chinese when abusing each other; the carpenter was phlegmatic, and the cook irascible, and to see these two oddities quarrelling over their 'chow-chow' was highly ludicrous."[22]

As many men of various nationalities left San Francisco for the interior of the state, they travelled to locations like Stockton, California, which was one of the mining towns closest to San Francisco, halfway between it and the mines on the Sierra Nevada. William Shaw described how he and a fellow passenger from the ship that left Australia ventured about Stockton looking for other adventurous men headed to the mines. The two men found a company composed of several Americans, two Chileans, a Frenchman, two Germans, two Cornish miners, two Chinese and one Malaysian boy. The company eventually convinced one of the Chinese to stay in Stockton and not join them for reasons not explained by Shaw. This company made the journey to the mines and Shaw revealed that the cooking was all done by the Chinaman. The Englishman wrote about how the young Malay boy had hunted down a small creature which the others could not describe, since the animal was already being grilled on the fire. Since everyone was hungry, they did not care, even though the Westerners believed that the two men from Asia

[22] William Shaw, *Golden Dreams and Waking Realities; Being the Adventures of a Gold-Seeker in California and the Pacific Islands* (London: Smith, Elder and Company, 1851), 9-10.

were not too picky in their eating. The perception held by Westerners that people in Asia ate just about anything was widely believed among the miners in Shaw's account.[23]

Even before 1852, which was the year that the Chinese were beginning to be targeted the most, Shaw described how early in 1850, he and a buddy were confronted by a team of violent and jealous Anglo-American diggers. According to Shaw, the laws of the placers with respect to land occupation were undefined. Shaw and his friend had found a good spot to begin digging when, all of a sudden, three Americans approached them telling them that they had trespassed and better be on their way. Shaw and his friend left right away, but that did not help, since later down the river in another location, the same Americans who told them to leave now approached them for a second time. The band of Americans who were fully armed with rifles saw that Shaw and his small group of mining prospects included a Chinese man and a Malay boy, whom the Americans perceived to be slaves of the adventurers. Shaw wrote in his diary, "We assured the men that we exercised no compulsion over the blacks, who might leave us at pleasure; and, notwithstanding they had previously declared that coloured men were not privileged to work in a country intended only for American citizens."[24] The hostility that the band of Americans showed to Shaw and his friend was mostly due to the presence of the Chinese man and the Malay boy in their company. Shaw believed that the Americans assumed he and his friend held the Asian men in some state of slavery or captivity and, thus, were reaping the profits of their labour.[25] Shaw used the term "blacks" here in describing the Malay and the Chinese man, although they were not men of African origins, but they were still categorized by him under that term.

[23] Ibid., 65-66.
[24] Ibid., 83-84, 86-87.
[25] Ibid., 86.

Shaw then explained in his diaries how white Americans felt about non-whites working in the mines:

> "Some time afterwards, this feeling against the coloured races rose to a pitch of exasperation: at several diggings capitalists had hired numbers of Chinese, Cooleys, and Kanakas, to work for them; and this system of monopoly was even carried on by Americans of property and position, who employed Delaware and other Indians in their pay, to work the creeks far inland. This gang-system was very obnoxious to the Californians, and several parties of that description were abolished; the obligation and agreements entered into the being cancelled and annulled by the fiat of the vox populi."[26]

These feelings towards foreigners, mostly directed at "darker races", were beginning to emerge with the original Foreign Miners' Tax, even though the Chinese were not significant in number until 1852. The feelings William Shaw mentioned above were articulated in 1850 not 1852. The aftermath of the Foreign Miners' Tax created a lot of mixed feelings among miners and merchants. On March 5, 1851, The *Stockton Times* commented the following:

> We shall long remember how fatal were its universal results-how it ruined the trader, and was made a fearful instrument of oppression-how it robbed the poor-how it drove the desperado to the highway-how it turned one man against his neighbor-how it sharpened the assassin's knife and primed the barrel of his pistol-how it depopulated the hitherto flourishing settlements amidst the hills-how it made the air heavy with fear, as though a plague had swept over the land and had scattered destruction with its wings.[27]

From the descriptive comments of the *Stockton Times*, the editor mentioned how this law affected merchants. The result was that foreign miners left in droves, which affected their businesses due to a lack of customers and miners attacking other miners because of race and nationality. The consequences of not having an occupation in the mines, due to the exorbitant

[26] Ibid., 87.
[27] The *Stockton Times*, March 5, 1851.

tax per month and/or being expelled from them, drove some miners to commit crimes out of desperation.

The results were that many merchants united against the Foreign Miners' Tax Law. The tax, as a revenue measure, proved to be an absolute fiasco and was repealed by the California legislature on March 14, 1851. The law lasted a little less than a year.[28]

On April 16th, 1852, the Committee on Mines and Mining Interests heavily influenced the California legislature to act aggressively on implementing another renewed foreign miners' tax law. The Committee's argument was based on the fact that the federal government's role concerning the mines was left to the care and responsibility of American citizens and to the state and counties of California. The mines were subject to the American miners own laws and regulations according to the Committee. The Committee even went so far as to limit the entry of Asian immigrants to California, based entirely on their belief that most of the Chinese men coming to the state were slaves of foreign masters and capitalists and were held to labor contracts which the local laws of California did not recognize. In their address the Committee begged the California Congress that their state sovereignty should protect American labor and mines from "imported and taxed slaves" from being overrun by the class of men already mentioned. Finally, the Committee suggested that the California legislature pass a law to tax all foreigners who were not Americans, especially the Chinese.[29]

In her early work, sociologist Mary Roberts Coolidge described the bulk of the Anglo-American miners coming to California as coming from the South and from Missouri, whose

[28] *California Statutes*, 1851, Chapter 108, p.424. http://clerk.assembly.ca.gov/content/statutes-and-amendments-codes-1851?archive_type=statutes

[29] Califonia, *Report of the Committee on Mines and Mining Interests. Presented, April --, 1852* (Sacramento: E. Casserly, State Printer, 1852), 830-831, 834.

ignorance and extreme racial hatred lumped all South Americans, Southern Europeans, Kanakas, Malays and Chinese as "colored," even the French were included in this group. According to Coolidge, the Germans, Irish, and English were left alone even though they were not naturalized U.S. citizens and had far less right than the native Indians and the native Californios.[30] However, contemporary historians, such as Susan Lee Johnson, argue that a handful of white southern men from Missouri arrived to the diggings with their black slaves and that both parties depended on each other for survival.[31]

Since the Foreign Miners' License Tax Law of 1850 targeted the Spanish-speaking population the most and drove them out of the mines, the Chinese were the next group of foreigners to be attacked in 1852. In 1852, the California legislature renewed the Foreign Miners' Tax Law and taxed three dollars per month to every foreigner that was not a citizen of the United States, particularly the Chinese. In this tax law, it was the sheriff who would be responsible in collecting the taxes from the foreign miners. The act or tax law was printed in English, Spanish, and French, but not in Chinese and took into effect on June 1, 1852.[32]

According to Ronald Takaki, the purpose of this new tax was racist in nature and aimed mainly at the Chinese. The three dollars per month would be obtained from every foreigner who did not wish or desire to become a citizen. Even if the Chinese wished to become citizens of the United States, they were ineligible for citizenship because of the 1790 federal law that reserved naturalized citizenship to free white persons only.[33]

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[30] Mary Roberts Coolidge, *Chinese Immigration* (New York: Henry Holt and Company, 1909), 29.
[31] Susan Lee Johnson, Roaring Camp: The Social World of the California Gold Rush (New York: W. W. Norton & Company, 2000), 68.
[32] *California Statutes*, 1852, Chapter 37, pages 84-87. http://clerk.assembly.ca.gov/content/statutes-and-amendments-codes-1852?archive_type=statutes
[33] Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989), 82.

On January 8, 1852, John Bigler became California's third governor and, according to Hubert Howe Bancroft, he was very much liked by squatters who moved into California from the eastern United States and who saw Bigler as a fatherly figure. John Bigler was seen by the squatters, many of whom became miners, as an honest and approachable man. Bancroft noted that because of the squatters, who united as a Southern Democratic voting bloc, Bigler carried the election and became governor.[34]

On April 23rd, 1852, the newly-elected Governor Bigler, gave a report to the Senate and Assembly of the state of California in which the topic of attention was the Chinese community. In his address, he targeted the Chinese people as individuals who came to the United States for the sole purpose of extracting and taking the precious metals and minerals of California for themselves and then left with them back to their homeland, never with the intention of staying and adopting their new host country. The governor then disclosed to his audience that he has received news from reliable sources that revealed that over twenty thousand Chinese had left Canton to California by the end of January 1852 hired by Chinese masters. According to Bigler, the Chinese workers came here to collect gold under the direction and control of their master who accompanied them. The governor then continued that a merchant of San Francisco informed him that vessels entering California were charging up to $50 dollars per passenger for transportation alone. Governor Bigler insisted in his address that these "Celestials" were sent to California under contracts to labor for a term of years in the mines at very low wages, while their families back in China were retained as hostages. Bigler denounced these contracts as being corrupt and unjust, and "inconsistent with the good order and solid interests of society." Finally, the Governor called for the legislature to approve laws that would not only limit and check Asian

[34] Hubert Howe Bancroft, *The Works of Hubert Howe Bancroft: History of California: Vol. VI, 1848-1859* (San Francisco: History Company, 1888), 657-658.

immigration to the state of California, but to tax the Chinese foreigners once more if they decided to mine in the Sierra Nevada. Governor Bigler's address to the California legislature was perceived as harsh and discriminatory, yet he had the backing of the American miners since it was them who helped put him in office.[35]

The Chinese community, particularly the merchants of San Francisco, did not receive the Governor's address very well and demanded Chinese civil rights. A man by the name of Lai Chun-Chuen, a leader within a Chinese committee, became very vocal and responded to Bigler's address by insisting that the Chinese were honest, thrifty, hardworking, and lawful. He and other Chinese merchants warned Governor Bigler that if the Chinese miners were not "treated with mutual courtesy," then Americans in China, who prospered and benefitted from cordial relations between China and the United States, would be "exposed." Chun-Chuen, on behalf of other Chinese merchants, went on to state that if the Chinese miners continued to be the target of violence and robbery, then there was going to be trouble. These bold statements from the Chinese community in northern California showed people that the Chinese were not the fragile and passive people depicted by racist critics.[36]

Despite the Chinese merchants being vocal against the governor's comments, Governor Bigler helped influence in 1853 the raise in the Miners License Tax to four dollars instead of three dollars per month per head.[37] That same year an act to translate the tax law allowed for the printing in paper into the Chinese language.[38] In the year 1855, the tax law was elevated to six

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[35] California, *Journal of the Third Session of the Legislature of the State of California* (San Francisco: G. K. Fitch & CO., and V. E. Geiger & CO., State Printers, 1852), pp. 373-376.
[36] Lai Chun-Chuen, *Remarks of the Chinese Merchants of San Francisco, upon Governor Bigler's Message and Some Common Objections; with Some Explanations of the Character of the Chinese Companies, and the Laboring Class in California* (San Francisco: Office of the Oriental; Whitton, Towne and Company, 1855).
[37] *California Statutes*, 1853, pg. 62.
http://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1853/1853pdf#page=17
[38] *California Statutes*, 1853, pg. 82-83.

dollars per month, but was later repealed to four dollars the following year because of net loss in revenues due to mass Chinese miners leaving the mines; the new tax law came into effect on May 1, 1856.[39] The foreign miners' tax remained in effect until 1870, the year that the federal Civil Rights Act dismissed it. According to Takaki, this tax law had accumulated about $5 million dollars from the Chinese laborers, which was a sum representing almost half of the state's revenue.[40]

In 1854, the California Supreme Court's decision to not let Chinese people testify against whites or others in the courts created a big blow to the community, since it now made them even more vulnerable to attacks on their lives and property, simply because they were not white. The court case decision was called *People v. Hall.*[41]

Two possible misconceptions helped start the false perception of possible slavery within the ranks of Chinese men. The two terms are the Chinese Six Companies and the term "coolie". Upon arriving to the port of San Francisco, the Chinese passengers, who were nearly all men, were received by Chinese men representing the "Chinese Six Companies." These companies worked for the Chinese community for protective and charitable purposes and, as the Chinese came from different regions of the country, those coming from the same section generally enrolled in one of the six companies that contained the most amounts of their countrymen from that particular section or region. B.E. Lloyd wrote in his book, *Lights and Shades in San*

[39] *California Statutes*, 1856, pg. 141. http://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1856/1856.PDF#page=12
[40] Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989), 82.
[41] Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989), 102.

Francisco, printed in 1876, that these companies had been formed because of necessities and demands of the Chinese men in either China or California or both.[42]

Many of the lower classes, as well as those of the upper classes, believed that the Chinese Six Companies imported Chinese workers and held them in their control until the cost of transportation was repaid. Many people in the state of California believed that the Chinese, once they arrived at the port of San Francisco, were taken directly to the offices of the Six Companies and sent to the mines by an agent who supervised them. The simple observation that these Chinese workers arrived at the wharves penniless with their transportation already prepaid, led to the assumption that the Six Companies were controlling them as the most rational explanation. The active participation of the Six Companies over their countrymen, the mobility of Chinese labor, and the custom of Chinese merchants to play the part as employment agents (even though the merchants explained to outsiders that they only were furnishing work to them with no payment or profit in return), did nothing to dispel the belief of widespread bondage or slavery.[43]

In dealing with the Chinese Six Companies and the various tales surrounding their functions and duties, there were many myths and rumors circulating among the miners and the people of San Francisco and in the nearby mining towns close to the mountains. J.D. Borthwick, a Scottish traveler turned miner, described how, within the Chinese groups of men, there was always a small number of the better class who without any hesitation would direct the work of the lower and larger classes and paid the common men very poor wages. Borthwick stated, "A Chinaman could be hired for two, or at most three dollars a day by anyone who thought their labor worth so much; but those at work here were most likely paid at a still lower rate, for it was

[42] B.E. Lloyd, *Lights and Shades in San Francisco* (San Francisco: A.L. Bancroft and Company, 1876), 277. For more information on the specific names given to the Chinese Six Companies, refer to page 277 of Lloyd's book.
[43] Mary Roberts Coolidge, *Chinese Immigration* (New York: Henry Holt and Company, 1909), 52-53.

well known that whole shiploads of Chinamen came to the country under a species of bondage to some of their wealthy countrymen in San Francisco."[44]

In the *Annals of San Francisco*, the Six Companies are referred to as "secret societies" where some individuals were known to oppress their poorer brethren. The *Annals* mentioned that, at times, the police attempted to interfere and protect the victim, but with no success. In regards to the outsiders who were not members of these companies or secret societies, the following quote explained "that one is quite at a loss to know anything of their peculiar private associations and customs."[45]

It is important to explain the term "coolie" at this time so that the reader can fully understand how the term in the United States came to signify a negative connotation. During the middle of the 1800's, when increasing numbers of foreigners were entering and leaving the ports of Southern China, the term coolie was loosely applied to all Chinese working men who happened to leave the country to work in different areas of the world. The Chinese term itself is two words *Koo* and *Lee,* which means "to rent muscle," at the same time as it defines a "working man in unskilled labor." During the mid-nineteenth century, the pseudo-slave trade in contract laborers started to gain momentum with destinations to Cuba, Peru, and British Guiana, where the Chinese workers who were sent to those places were not free until they fulfilled their work contracts. During this time, slavery was beginning to die out in the English-speaking world as free blacks could no longer work in the tropical plantations of the English colonies in the West Indies and British Guiana in South America. The British government made arrangements with

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[44] J.D. Borthwick, *The Gold Hunters: A First-Hand Picture of Life in California Mining Camps in the Early Fifties* (Cleveland: The MacMillan Company, 1917), 253.
[45] Frank Soule, John H. Gihon, and James Nisbet, *The Annals of San Francisco; Containing a Summary of the History of the First Discovery, Settlement, Progress, and Present Condition of California, and a Complete History of all the Important Events connected with Its Great City: To which are added, Biographical Memoirs of some Prominent Citizens* (New York: D. Appleton and Company, 1854), 385.

China for the purpose of finding cheap labor for her colonies, while other nations joined, such as Peru and the Spanish-controlled island of Cuba. Each Chinese man received the equivalence of four dollars per month and was bound for seven or eight years. Contract labor was no better than slavery, yet it flourished even with the horrible reports of death, terrible unsanitary working conditions, and wretched transportation through the oceans on board the vessels that made headlines in many countries including the United States. In the end, the term was carelessly and loosely used to describe the Chinese men who voluntarily left the Chinese ports for California, thus igniting the belief that all Chinese men entering the United States were not free.[46]

According to Coolidge, the Chinese Six Companies, in response to these rumors of slavery, asserted that the Chinese workers came as voluntary immigrants--either paying their own passage or borrowing from others in order to pay for the transportation and further mentioning that the payments they received did not involve any terms of written or verbal contracts.[47]

A message from Dr. Bowring to Lord Malmesbury, written on January 5, 1853, a British official stationed in Hong Kong in 1853, reported that the Chinese emigration to California was "free and voluntary" and was "almost wholly confined to independent emigrants who pay their own passage money, and are in a condition to look to their arrangements."[48] William Speer, the missionary who worked in China and in the Chinatown of San Francisco in the 1850s, reported that he never found evidence to support slavery within the Chinese community. Speer stated, "I have never been able to hear that any were brought over by capitalists and worked as slaves are,

[46] Mary Roberts Coolidge, *Chinese Immigration* (New York: Henry Holt and Company, 1909), 42-44.
[47] Ibid., 48.
[48] Kil Young Zo, *Chinese Emigration into the United States*, 1850-1880 (New York: Arno Press, 1978), 86.

against their will and for the advantage of the employer."[49] Even with some individuals stating or reporting to others that there was no concrete evidence of slavery within the ranks of the Chinese laborers in California, the rumors of the "coolie slaves" remained in peoples' minds, especially among the American and European miners.

The *Stockton Journal* reported that on the 14th of May, 1852, a trader by the name of Mr. Loupe informed the press that the miners at the Chinese Camp located in Tuolumne County were doing well despite the rain and harsh weather conditions. The trader mentioned that some of the best land had already been claimed for diggings, but that there was still land for enterprising men who wished to work. Mr. Loupe weighed the gold that had been taken out of some of the claims and determined that the men who found the gold were making from $10 to $15 dollars a day and that the average miner was making five dollars per day, yet boarding houses were charging around $8 or $9 dollars per week. The trader suggested that for those who can cook for themselves, should only pay four or five dollars per week. The five dollars per day for the average miner in that county was for white miners and not for the Chinese men. A copy of the *Stockton Journal* was given for publication to the *Daily Alta California* for May 22, 1852.[50] The *Daily Alta California* for the May 22, 1852 issue also reported that a miners' meeting was held at Centreville, El Dorado County and that resolutions were passed to prevent the Chinese from working in those mines.[51]

The same newspaper reported of the event of a meeting held at Foster's Bar on Thursday evening, where a committee was appointed to draft resolutions expressing the feelings of the miners in the area towards foreigners working on the claims nearby to their placers. The

[49] William Speer, *The Oldest and the Newest Empire: China and the United States* (Hartford: S.S. Scranton and Company, 1870), 478.
[50] *Daily Alta California*, May 22, 1852.
[51] *Daily Alta California*, May 22, 1852.

committee's resolutions were to the effect that no foreigner should be permitted to work on Foster's, Atchison's or Ferry's Bars, without the declaration of each foreigner showing the intention at the proper courts to become an American citizen and showing the documents to support the action.[52]

The *Daily Alta California* printed some news on the 8th of May 1852 mentioning an anti-Chinese meeting that was held at Michigan Flat on Saturday evening. The meeting was attended by many miners who resolved that the claims, now held by the Chinese on the bar or the area of highest elevation of sediment of a river, should and would be sold at public auction on the following day and that the proceeds would be refunded to the Chinese miners only after they had been kicked out of the diggings.[53]

On May 12, 1852, the *Daily Alta California* printed the following ambiguous remark. The statement reads: "Quite a large number of the Celestials have arrived among us of late, enticed thither by the golden romance that has filled the world. Scarcely a ship arrives that does not bring an increase to this worthy integer of our population. The China boys will yet vote at the same polls, study at the same schools and bow at the same altar as our own countrymen."[54]

Reading this statement back then, the public could have interpreted the information with a lot of ambivalence, especially if they were miners. Some miners might not have liked the idea that the Chinese population was growing more and more and the notion of knowing they now have more competition in the diggings; however, other miners might like the fact that the Chinese were now willing to assimilate and become citizens of the United States thus having

[52] *Daily Alta California*, May 22, 1852.
[53] *Daily Alta California*, May 8, 1852.
[54] *Daily Alta California*, May 12, 1852.

their capital stay as well. These interpretations are logical understandings of what the miners might have thought as they read the newspaper announcements.

Many newspapers in the mid-1800s were, for the most part, impartial and neutral to laws, immigration, land, transportation, and even politics, but the editors' opinions and comments were not. Just as the newspapers would sometimes denounce the evils of certain legislative codes or statutes, they at times would support them.

In Tuolumne County, where Sonora was its most important mining town, the town had a very respectable weekly newspaper that possessed a very large and influential advertising patronage, according to Herbert O. Lang. The newspaper was called the *Sonora Herald* and reaped, on average, a few hundred dollars a week from advertisement. This paper had a respectable moral tone that dealt with in deep and serious coverage of its various departments, and "by the vigor, energy and courage of its conductors, commanded success and achieved it."[55] Lang wrote that the paper would always discuss topics about current events and would act for the community as an advocate for the feelings that much of the population harbored towards the foreigners, especially the Chinese. In 1852, the editor, Dr. L. C. Gunn, made some comments about the Chinese and prompted the readers of Sonora to ask more questions about the Chinese. The editor in the comment box of the newspaper began by making the clear and disconcerting statement, "They prove convincingly, if proof were needed, that the Chinese have been hardly and harshly treated. Coaxed and invited hither by one class of Americans, they have been driven about and maltreated by another class." The editor continued, "Taxed by the legislature, in return for that protection which it well knew it could not honestly guarantee, they have been driven back by miners, whose voices spoke out long ago against any competition with inferior

[55] Herbert O. Lang, *A History of Tuolumne County California* (San Francisco: B.F. Alley, 1882), 91.

labor. Who, then, are to blame in this matter, the miners, or their would-be masters, the merchants?"[56]

Right away, the newspaper was answered by the both parties addressed in the editor's questions. The first to respond were the merchants of San Francisco (and nearby towns) who wrote to the paper, "The immigration of the Chinese to this country is productive of great profit to us, and we believe is of great benefit to the mining and agricultural interest of the State."[57] In response to what the merchants stated, the miners also defended themselves. The miners wrote to the editor's statement and questioned it by addressing how they have been the victims of astute legislators, careless speculators, merchants and bankers. The miners then addressed the Chinese question, in particular by stating: "We want a permanent population, but we also want a free, intelligent, enlightened one. We want a population that speaks our language, understands and appreciates our laws, sympathizes with the expansive spirit of our people, harmonizes with and readily assimilates to us. The miners continued, "We want a population each one of whom is capable of sitting on a jury, of depositing a ballot, of understanding the drift of a resolution, the prayer of a petition. Such a population the Chinese cannot be.[58]

What we see here is that, even though white miners considered themselves to be victims of the laws, they themselves targeted the Chinese by classifying them unfit to be citizens of the United States and thus making them victims of their own beliefs and resolutions. The miners finally went on to state, "Why, then, should we commit political suicide, because our fathers made our country a refuge for the oppressed? In plainer and more unmistakable words, why should we ruin our rising country by diluting its already adulterated population with the

[56] Ibid., 91-92.
[57] Ibid., 92.
[58] Ibid., 92-93.

admixture of a strange and an inferior race, merely because certain merchants find it productive of '*great profit to them?'* "[59]

The miners, according to Herbert O. Lang, were coming up with reasons as to why they were not very fond of the Chinese, since they had been targeted by the so-called Chinese question in the *Sonora Herald.* The white American miners' biggest concern was that the Chinese were not going to assimilate into American culture nor adopt American laws. Their argument was that the Chinese were not free individuals and were only going to populate the West by contaminating its more stable and permanent population. The Chinese, according to a lot of American miners, were not the appropriate candidates to become U.S. citizens.

Another personal testimony comes from a Scotsman from Edinburgh, Scotland, who was a well-educated man who wrote upon his travels to California by way of the Isthmus of Panama. This man, by the name of J.D. Borthwick, reached California and, in a short amount of time, made his way into the mines close to Sacramento. Borthwick had mixed feelings upon the darker-skinned ethnic groups he came across, but at times he would complement the different groups. The Scot would complement the Chinese for their cleanliness in their stores and camps, but for the most part he was negative. Borthwick and others saw and depicted the Chinese men as being feminine in the way they looked, worked, and used their tools. The Scottish miner described them as being a harmless and inoffensive people who were opposed to working in the water and would gather about for hours underneath the trees drinking tea and fanning themselves complaining about the heat. Borthwick then proceeded to discredit them by labeling them as unfit for gold digging and that they handled their tools like women who were afraid to get hurt. He and other white miners referred this Chinese handling of tools known as "scratching." They

[59] Ibid., 93.

would scratch away unmolested by others as long as they did not strike it rich in locating gold, because once they did, they were kicked out immediately.[60]

This same European miner classified the Chinese as individuals who enriched themselves at the expense of the country without contributing back to it, instead diminishing the productiveness of the country by becoming a public nuisance. The extracting of minerals from the earth and taking them back to their homeland without supplying the wants of others is what upset Borthwick the most; although, he himself was not an American and was doing the same when it came to gold digging. Borthwick then goes on to ridicule the pumps used by the Chinese, describing their mechanical skills as "wasteful" and not very effective. Borthwick even mentioned how, when walking by their mining camps, he observed them sitting down shaving each other's heads and braiding their long pigtails; meanwhile he refused Chinese hospitality when asked to eat with them since he was very wary about their food.[61] Some historians, like Robert Glass Cleland, later claimed that the Chinese consisted of some four hundred "Celestials" who were easily driven off their claims at Horse Shoe Bar by a mere sixty American miners in the spring of 1852, possibly attributing this to their unmanliness.[62]

The next testimony by a white American miner who reported an incident of a Chinese camp being raided by a party of Mexicans solidified the emasculated image of the Chinese held by most white miners. The report included the following, "their big camp on Deer Creek was raided a couple of weeks ago, it is said, by a gang of Mexicans, two of them were killed and the remainder scattered all over the country. Report says that the Greasers got away with over thirty

[60] J.D. Borthwick, *The Gold Hunters: A First-Hand Picture of Life in California Mining Camps in the Early Fifties* (Cleveland: The MacMillan Company, 1917), 144.
[61] Ibid., 254-256.
[62] Robert Glass Cleland, *A History of California: The American Period* (New York: The Macmillan Company, 1922), 282.

thousand dollars." The American miner continued, "The Chinamen appealed for protection, but nobody paid any attention to them. There were over fifty living in the camp and they ought to have been able to protect themselves; but they seem to be great cowards and will not fight under any circumstances."[63] The white American miner suggested that the party of Chinese miners got what they deserved for not fighting back or retaliating, but even if they did, the Chinese would have been labeled as reckless criminals by either American miners or even the local law.

In the mid-1800s, the Chinese community faced many obstacles from their non-Chinese counterparts, especially in the mines where many others were also foreigners. What the Chinese did not possess was whiteness, nor the possible means of becoming citizens of the United States. When the local miners' laws and resolutions of the mining camps and counties excluded any protection for them, this community became vulnerable to attacks, unjust treatment, and loss of property in any instance. Since the local and county laws of the mining areas had the backing of the state laws and even the federal laws, the Chinese workers again had no legal protection from American citizens and from other foreigners within the state of California. The Chinese miners faced the brunt of fierce racial intolerance, labor and wage competition, unfree slavery beliefs, and views of being inferior to others.

[63] Chauncey L. Canfield, *The Diary of a Forty-Niner* (Boston: Houghton Mifflin Company, 1920), 223.

CHAPTER IV

WOMEN IN THE WEST

During and after the Gold Rush, women contributed immensely in defining and shaping gender roles for both themselves and men. With the lack of women in the mining camps, men learned to wash, cook, clean, and enjoy each other's company in their absence; however, as women entered the frontier in larger numbers, the "civilizing" influence of women on men could, ideally, begin to take place. According to the perceptions of the time, it was the right kind of women that needed to migrate to the frontier in order for the domestication of men to happen. White American women entered the frontier in large numbers in the late 1850s and the following decades, but much earlier came women from Latin America and China. These women of color were not for the most part considered good pure moral characters, since a good portion of them were prostitutes. These women from China and Latin America arrived to the Gold Rush in California voluntarily and others by force. Once in California, these women contributed by offering men their company, services, and entertainment, but with many sacrifices. These non-white women were not citizens of the United States and did not encompass the ideals that most white American men who migrated to the West valued. Most of these women of color became victims of their new environment, while at the same time; their own communities took advantage of them.

When talking about the California Gold Rush, women should not be omitted and that includes women of color. The reason that many gold seekers to California were young men is

not difficult to understand. News correspondents, reporters, and journalists all described the trek to the Gold Rush as very difficult and dangerous and that it required young, healthy, and adventurous individuals, willing to adapt the tough environment of the West. Youthful adventurers could also dodge the hazards of the journeys either from land or sea on their way seeking this new El Dorado. The segment of the population that was willing to take those hazards and capture the moment of striking it rich were, by and large, adult males under forty years of age. The bulk of these men wanted to spend the shortest amount of time possible looking for gold, as they only hoped to return home and live off the rewards that they had acquired in the West.

In her early work, Mary Roberts Coolidge mentioned that the few women that did leave China for California were "for the most part large-footed women of the working class or women of disreputable character."[1] In Chinese culture, the terms "family" and "home" were one and the same. Historian Ronald Takaki explained that women of all classes were regarded as inferior to men and were expected to stay at home, attending to their family and domestic obligations. In agreement with Coolidge's comment, the more recent work of the historian Ronald Takaki, described the "bound feet" of Chinese women, as applicable to women of a higher class and was something considered beautiful in Chinese culture, but nevertheless, this practice of binding feet from an early stage in life symbolized the women's subordinate status as women and served to prevent them from physically wandering off.[2] In 1855, a Chinese merchant of San Francisco by the name of Lai Chun-Chuen, explained why many men did not bring their wives with them to

[1] Mary Roberts Coolidge, *Chinese Immigration* (New York: Henry Holt and Company, 1909), 19.
[2] Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989), 37.

America as described that Chinese women who had compressed feet or bound feet, generally came from better families and were "unused to winds and waves."[3]

Supporting Coolidge's claim that the few women that entered California were from the lower classes with large or unbound feet were figures claiming that most of the Chinese women having entered California prior to 1875 were prostitutes. These figures in 1870 revealed that of the 3,536 Chinese women in California, 2,157, or 61 percent, had their occupations listed as prostitutes in the population census manuscripts. About eighteen years earlier in 1852, the U.S. census only listed seven Chinese women in California, out of a pool of 11,794 Chinese men. The ratio was one Chinese woman to every 1,658 Chinese men. In 1870, those population figures were altered listing 63,199 Chinese people living in America of which only 4,566 were women--a new ratio of fourteen men to one woman. Regardless of these statistics, Chinese women found themselves in a world of men. Even though some worked as housekeepers, servants, washerwomen, shoemakers, cooks, miners, and in fishing, the great majority of them were prostitutes who were in debt.[4]

The essential and critical shortage of women was decisive to the economic opportunities afforded to prostitutes. According to Jacqueline Baker Barnhart, these women went west not for the sole purpose of digging for gold, but to take advantage of the lonely men, the lavish spending on commodities, financial rewards, and the loose grip and control on the social and moral customs and ways of life.[5] One early settler to California was a woman by the name of Eliza

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[3] Lai Chun-Chuen, *Remarks of the Chinese Merchants of San Francisco, upon Governor Bigler's Message and Some Common Objections; with Some Explanations of the Character of the Chinese Companies, and the Laboring Class in California* (San Francisco: Office of the Oriental; Whitton, Towne and Company, 1855), p.3.
[4] Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995), 24, see also Appendix 1 on page293. Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989), 121.
[5] Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 17.

Farnham, who observed that Yankee men had the opportunity for advancement when saying, "If he have been six months at a public school, and lumbering the rest of his life, he would become a candidate for the throne, he had a wide range of pursuits, places, and employment to choose from."[6]

According to Barnhart, of the thousands of immigrants that entered and disembarked at the port of San Francisco in the year 1849, about seven hundred were women and the majority was from Latin America. Some of these women made arrangements with the captains for their transportation and others were recruited in their home towns by agents who were most likely contracted by cantina owners or saloons who guaranteed the women's fare while receiving a commission for their quotas.[7] In return for their passage to California, Captain Hernandez, a Spaniard who immigrated to Mexican California at a very young age, commented that, "these women had to indenture themselves for six months possibly more to pay off their debt and hundreds of these women were brought from ports like Mazatlán and San Blas on trust and then transferred to bidders with whom the girls shared their earnings."[8]

Latin American women and Chinese women entering the port of San Francisco were two ethnic groups of women that could not, for the most part, improve their social and economic condition. This was not solely because of xenophobia or racism, but, more importantly, because these women were indentured into prostitution, according to Barnhart. Due to the simple fact that they could not control neither their place of employment nor their type of customers, these women were forced to spend their first several months in their new environment under the

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[6] Eliza W. Farnham, *California, In-Doors and Out: Or, How We Farm, Mine, and Live Generally in the Golden State* (New York: Dix and Edwards, 1856), 257-258.
[7] Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 43.
[8] Capitan Jose Fernandez, Bancroft Collections, *Cosas de California*: Santa Clara, California: ms.S, 1874 Aug. 19, pp. 190-191.

control and supervision of their new boss. These limitations prevented these women from taking part in the individualistic, self-supporting, ways of life which led to the social and economic advancement of others. In the early years of San Francisco, there seemed to be some form of hierarchy that ranked women in this profession from top to bottom. Courtesans would have been the ones at the top, since they had the wealthier or upper-class clients; on the other hand, women of color could not pick their customers or select the price for their services. The status of prostitutes was defined by their customers and the environment in which they worked and lived. Little Chile was a section in San Francisco where cantina owners located their establishments and imported Spanish-speaking women to work for them. These Latin women were cut off from other parts of San Francisco, especially the nicer parts. Their surroundings were cheap in value and dirty. Since they did not speak any English, their advancement to better and more elegant parlor houses was virtually nonexistent.[9]

In the following description of Little Chile and its people, *the Annals of San Francisco* is particularly harsh in depicting Chilean men and women as dirty, "their habits were unclean and their manners base. The men seemed "deceivers by nature," while the women were immodest and impure to a shocking degree. These were washerwomen by day; by night,--and, if a dollar could be earned, also by day--they were only prostitutes." The description continues, "Both sexes lived almost promiscuously in large tents. Their dwellings were dens of infamy, where drunkenness and whoredom, gambling, swindling, cursing and brawling, were constantly going on."[10]

[9] Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 44.
[10] Frank Soule, John H. Gihon, and James Nisbet, *The Annals of San Francisco; Containing a Summary of the History of the First Discovery, Settlement, Progress, and Present Condition of California, and a Complete History*

By staying in Little Chile, the Chilean or Latina prostitute would likely only cater to her own Spanish-speaking countrymen. If she were able to move to an upscale part of the city, like Portsmouth Square, which catered to an Anglo white male segment of the population, and work for one of the many gambling saloons or parlor houses there, her standard of living and her prices of services would likely be much higher. Barnhart explains that nothing in the press or the behavior of the local population suggested that these Latina prostitutes would have been welcomed, tolerated, and or accepted by either white men or white female prostitutes.[11] Sources, such as correspondents writing their reports, miners writing in their journals, and local legislation controlling the practice, instead suggested that women of color, working as prostitutes, would not have been respected, much less accepted by society as a whole. According to Judy Yung, Latin women, whether from Mexico or other Latin American countries, were referred to as "Greaseritas" by the press and locals. These women were robbed by day and subjected to criminal attacks by the same men who paid for their services at night time.[12]

When mentioning the growing numbers of Latinos entering San Francisco because of the Gold Rush, the *Annals of San Francisco*, described the Chileans and Mexicans as resembling "Negroes" and their women were described as "of the vilest character that openly practiced the most shameful commerce." The same *Annals* then pointed out the following, "The lewdness of fallen white females is shocking enough to witness, but it is far exceeded by the disgusting practices of these tawny visaged creatures."[13] Finally, another quote from the *Annals* in

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of all the Important Events connected with Its Great City: To which are added, Biographical Memoirs of some Prominent Citizens (New York: D. Appleton and Company, 1854), 555.

[11] Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 44-45.

[12] Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995), 31-32.

[13] Frank Soule, John H. Gihon, and James Nisbet, *The Annals of San Francisco; Containing a Summary of the History of the First Discovery, Settlement, Progress, and Present Condition of California, and a Complete History*

describing the Latinas is the following, "A large proportion of the common Mexican and Chilean women are still what they were in the days of the "Hounds," abandoned to lewd practices, and shameless." The authors of the *Annals,* who also served as correspondents to some newspapers, were writing about these women in 1853. They connected these women with what happened with the anti-Chilean attacks by the Hounds, the organized gang of discharged army soldiers from broken up battalions, which occurred in the summer of 1849, (discussed in chapter two).

A letter addressed to the *Stockton Times* depicting the harsh descriptions of Mexican men and women, showed what some, perhaps most, American veterans of the Mexican War really felt about them. The letter contained the following, "Mexicans have no business in this country. I don't believe in them. The men were made to be shot at, and the women were made for our purposes. I'm a white man---I am! A Mexican is pretty near black. I hate all Mexicans." When this letter was received by the newspaper, they did not hesitate to print it, although they mentioned that they did not hold themselves responsible for the writer's sentiments. Still, they facilitated its publication, suggesting that they may have the same shared views as the writer.[14] Maythee Rojas, a Chicana scholar and a professor in women's studies at California State University, describes how this letter revealed the strong attraction white American men (and even European men) might harbor towards Mexican women, despite their ethnic background (by placing Mexican women to their own sexual desires) as the letter suggested. Rojas argues that numerous materials, both published and privately written during the nineteenth century, disclosed the mixed feelings of lust and prejudice that held a tight firm grip on the male population living in the ethnically-diverse American West. To begin with, Mexican women in

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of all the Important Events connected with Its Great City: To which are added, Biographical Memoirs of some Prominent Citizens (New York: D. Appleton and Company, 1854), 412.

[14] *Stockton Times*, April 6, 1850.

the West were scare in comparison to the men, but were seen as the enemy even though they might have been desired by white men.[15]

The following tragic story is about the only woman ever hanged in the state of California. Although there are many versions as to what really happened the night of July 4, 1851, Josefa Segovia, a Mexican woman, was hanged the following day on July 5, 1851. In 1851, this woman was simply known as "Juanita" by many men in the northern mining town of Downieville. She had been living there with a Mexican man by the name of Jose who was known to be a gambler. On the Fourth of July, the local men celebrated their first American independence day by drinking excessively. According to different historians, a man by the name of Joe Cannon knocked down the door of Josepha on that Fourth of July night, but returned the following day to apologize. The details as to what happened the following day are unclear, but suggest that Cannon entered Josepha's home and was killed by a Bowie knife. In a short amount of time, a mob gathered around and hastily set up a mock trial. They gathered a jury and sentenced the woman to her death by four o'clock that day.[16]

On July 9th, 1851, the *Daily Alta California* printed a brief summary of the event, although the newspaper printed the report with a skeptical attitude as the editors could not believe the story; in part, this explained why the report in the paper took several days for it to be printed. The *Daily Alta California* actually received this report from another newspaper the *Marysville Herald* dated the 8th of July. The newspaper described her as a Spanish woman with no name attached to her, yet named the victim as Joe Cannon. According by Deputy Sheriff Gray, Cannon, after "having disturbed the peace" at the woman's door, went back the following

[15] Maythee Rojas, "Re-Membering Josefa: Reading the Mexican Female Body in California Gold Rush Chronicles," *Women's Studies Quarterly*, Vol. 35, No. ½, The Sexual Body (Spring-Summer, 2007), 126.
[16] Albert L. Hurtado, *Intimate Frontiers: Sex, Gender, and Culture in Old California* (Albuquerque: University of New Mexico Press, 1999), 134.

day to apologize, but only to be "met at the door by the female, who had in her hand a large bowie knife, which she instantly drove into his heart."[17] At the hanging, the woman showed no fear walking up a small ladder to the scaffold, placing the rope around her neck and gracefully removing her raven black hair from her shoulders to make room for the noose. The paper mentioned that some six hundred men witnessed the event and asked the woman what she had to say, the woman replied the following, "Nothing, but I would do the same again if I was so provoked!"[18]

The *Daily Alta California* portrayed the woman with no name and described her as being "outraged" from the night before and just waiting for the man the following day to stop by her door so that she could kill him instantly in the heart. By attaching no name to the woman, but naming her victim, the newspaper showed its readers that even giving her a name was not important at all; instead, depicting her as a cold ruthless murderer while Cannon's only flaw was wanting to apologize to the woman. Maythee Rojas mentions a miner by the name of Franklin Buck who witnessed the hanging and recalled, "The Spanish girl faced death with a bravery that made its men ashamed." According to Rojas, Franklin Buck complained how women back in the West lacked morality and how he frowned at seeing a white man accompanying a Mexican woman riding a horse with him, but he was happy to know that "there are a good many things yet to be reformed, but they will all be accomplished in time."[19] Buck revealed mixed feelings about Mexican women in the West, first by describing Josepha as brave and making the men feel ashamed; and second, by showing disapproval of white men riding with Mexican women, but it is then relieved to know that those days will be ending soon.

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[17] *Daily Alta California*, July 9, 1851.
[18] Ibid.
[19] Maythee Rojas, "Re-Membering Josefa: Reading the Mexican Female Body in California Gold Rush Chronicles," *Women's Studies Quarterly*, Vol. 35, No. ½, The Sexual Body (Spring-Summer, 2007), 136.

Other eyewitness accounts of men reveal Josepha as having a split personality. The following description was by Major William Downie, the founder of Downieville, "Her figure was richly developed and in strict proportions; her features delicate, and her olive complexion lent them a pleasing softness."[20] Downie continued, "Her black hair was neatly done up on state occasions, and the luster in her eyes shone from the soft dove-like expression of a love-sick maiden, to the fierce scowl of an infuriated lioness, according to her temper, which was the only thing not well balanced about her."[21] Downie called the woman by the name of "Juanita" and not by her real name, mentioning that she lived with a man whom she attended to, but he did not know if she was married to or not. In Downie's journal, he mentioned how Cannon spoke Spanish and tried his best to pacify the woman, but to no avail, since she vented "the most violent outburst of anger."[22]

The following account is by David Pierce Barstow, a man from the state of Massachusetts who made it to California on the 30th of August, 1849. Barstow mentioned the hanging of the Mexican woman and described her as living with a Mexican gambler whom she was not married to and that she often spoke with a lot of profanity. Barstow reported that the town received the arrival of Senator Weller who came to Downieville to show his support of the miners. The New Englander described how fast the news spread of the killing of Cannon which immediately brought a large band of men to the woman's house and dragged her to the main plaza where they created a court for her trial. She was found guilty, even though some witnesses mentioned she was pregnant. According to Barstow, a thorough medical examination was performed on her, but concluded she was not with child. The mob wanted to lynch Dr. Aiken, a

[20] William Downie, *Hunting for Gold: Reminiscences of Personal Experience and Research in the Early Days of the Pacific Coast from Alaska to Panama* (San Francisco: Press of the California Publishing Company, 1893), 146-148.
[21] Ibid., 146-148.
[22] Ibid., 146-148.

resident of the town, because of his attempt to save the woman. Barstow described how the Mexican woman walked up a ladder to the scaffold that would eventually hang her. He mentioned how she climbed the ladder with no support, while around her were "hungriest, craziest, wildest mob standing around that ever I saw anywhere."[23] Barstow finally acknowledged in his own words, "The hanging of the woman was murder. No jury in the world, on any principle of self-defense or protection of life and property, would ever have convicted the woman" and concluded "Since that time, I have no sympathy with or confidence in mobs, I prefer the laws for vessels of grievances."[24] Barstow's account also shows how his feelings towards the young woman were mixed with ambivalence, but were less ambivalent to the angry miners who all wanted eye-for-an-eye vengeance. For the unfortunate Josepha, the English-language newspapers never printed her real name, but Rojas found it in a Chilean newspaper called *La Voz del Nuevo Mundo* which gave more details about her full name and where she was born, even showing her to be married to Jose, her partner.[25] The English-language accounts from men and from newspapers labeling her as a prostitute, living with a man whom she was not married to, and working in gambling saloons only served to justify why she deserved to die. To protect her honor, Josepha paid dearly with her life. Cannon was a well-liked man amongst the miners, plus the male camaraderie together with miner's law was too powerful to override the hanging of Josepha.

When comparing white women prostitutes and women of color prostitutes, the latter ones were always at a disadvantage. On August 20, 1859, the *California Police Gazette* mentioned the following that show the discrepancies occurring towards women of color in comparison to

[23] David Pierce Barstow, *Statement of Recollections of 1849-51 in California*: ms., 1878.
[24] Ibid.
[25] Maythee Rojas, "Re-Membering Josefa: Reading the Mexican Female Body in California Gold Rush Chronicles," *Women's Studies Quarterly*, Vol. 35, No. ½, The Sexual Body (Spring-Summer, 2007), 144.

white women in the vice industry, "It is a pity officers could not find some better employment than prosecuting these poor Chinese slaves. Do they not know that these poor serfs are obliged to do as they do? The officers do not pitch into WHITE females who pursue the same course. Oh no, they could not do that. Their pleasure and interest would be interfered with."[26] The press, despite most of the times disapproving the lifestyle of these women, observed the racial discrimination toward women of color by the authorities which put them down at the bottom scale of race, gender, and prostitution. The local government of San Francisco in 1865 passed laws that ordered and required Chinese women to leave certain areas of the city, while confining them to others. In 1875, Congress stepped up to the plate by passing the Page Law which outlawed the entry of Asian prostitutes into America.[27] In 1865, when the city of San Francisco passed an "Order to remove Chinese women of ill-fame from certain limits in the city," the city attorney advised the local government to remove the word "Chinese" from the ordinance to pacify the demands of people wanting prostitution controlled; however, the police were well aware of the fact that their targets were Chinese prostitutes rather than white women.[28] Quoted in Dan Caldwell's article "The Negroization of the Chinese Stereotype in California," a white man during the 1850s disparaged both Chinese and African American women in the following quote, "Unlike the depraved class; and though with complexions in some instance approaching fair, their whole physiognomy indicates but a slight removal from the African race."[29]

Alfred Doten, a New Englander who was a direct descendant of the Pilgrims, decided to try his luck finding gold in the West at the age of nineteen. He travelled to California by sea,

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[26] *California Police Gazette*, August 20, 1859.
[27] Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995), 32.
[28] Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 48-49.
[29] Dan Caldwell, "The Negroization of the Chinese Stereotype in California," *Southern California Quarterly* 53 (1971): 128.

going around South America and making a port of call in Chile. During his quick stay, he described the local Chilean men and women as not being fond of literature or having any inclination towards getting an education in the town of Talcahuano. He ridiculed the men's style of dressing, especially their ponchos and their "inverted bean-pot hats." As far as their work ethic was concerned, he thought of them as lazy people, where hard workers with skills were hard to find. Concerning women, he found them addicted to tobacco and that they would invite any American man into their homes. On this, Chilean hospitality might have been misconstrued by him and other Americans, however.[30] Having made his way into California, Doten did not have much respect towards women of color, as he refers in the following account dated April 12, 1852, "The stage arrived and left an American woman and four Chilean whores who are going up to Angel's camp to set up a whorehouse." Doten was quick to degrade the Chilean women as whores, yet mentioned the American as simply a "woman" without adding insult.[31] In another account, Doten was very detailed and went to great length to describe a particular encounter, showing readers how very little he valued friendship among Indians and how little respect he had towards marrying women of color. Doten described how two "squaws" paid him a visit of whom one was married to a friend of his named Pacheco and the other Indian woman was an elderly woman. The following account begins with him stating, "I gave her several presents and made myself pretty thick with her and after a while I got her (erasure) and took her into my tent and (erasure) was about to lay her altogether but the damned old bitch of a squaw came in as mad as a hatter and gave the young gal a devil of a blowing up-Nevertheless I still left my hand in her bosom and kissed her again right before the old woman."[32] This account clearly reveals

[30] Alfred Doten, *The Journals of Alfred Doten 1849-1903*, Editor. Walter Van Tilburg Clark (Reno: University of Nevada Press, 1973), 35, 38.
[31] Ibid., 110.
[32] Ibid., 125-126.

how this young man depicted Indian women being unfaithful in matrimony, yet he relished in his conquest until being stopped by another woman. These Indian women were referred to as "squaws" only with no names attached. Doten mentioned how right before the younger woman left his tent, he had convinced her to come back alone to visit him, "before they went I told the little gal in Spanish to come up alone sometime and as she understood Spanish she said she would if she could ever get a chance."[33] The older woman did not speak Spanish and hence did not understand, according to Doten.

There were several reasons why so few women left China for California. One belief was that bringing Chinese women to accompany their husbands to America would be very costly, since the men believed that their stay in California was only going to be temporary and not permanent. Women were kept home in China in order to ensure their absent husbands would not be spending money recklessly back in California. By keeping the wives and children of the Chinese men back in China, mothers and fathers of these Chinese miners hoped that their sons would continue to provide and support family ties and financial obligations back home. Ronald Takaki explained this as "hostage theory" because in Chinese culture, particularly among peasants, individual identity was based on family and ancestry where economic welfare and family were all integrated. Chinese mothers only hoped their adventurous sons would not forget their families back in China and thus send remittances.[34] Also worth mentioning was that many Chinese men in California were generally afraid to bring their wives, raise their families, and make their homes in America because they feared the reactions of white men. In 1855, a Chinese merchant of San Francisco explained that many of his countrymen had been warned not

[33] Ibid., 125-126.
[34] Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989), 37.

to come to America. Noting how the Chinese were victims of racial violence and robbery, the merchant sadly said, "If the rabble are to harass us, we wish to return to our former homes."[35] This last reason was powerful enough to discourage many Chinese men from bringing their wives with them to an openly hostile new country.

Women in China were treated with mixed feelings. For example, if the woman had a daughter, then that girl was often unwelcomed in the family, because when she was fully grown and married, she would be lost by absorption into the husband's family. In other words, the daughter that, at one time, may have contributed to her family's wellbeing would no longer provide for her family once married. At this point, her new family would be her husband's. According to Coolidge's research, the young wife was lower in rank than her mother-in-law until she gave birth to a son. Once she gave her husband a son, she then could rise in stature in relation to obtaining some independence. For these reasons, reports about female infanticide occurred in different parts of China.[36]

Once in California, the wives of Chinese merchants during the Gold Rush found themselves living in isolation within the confinement of their own homes in Chinatown. The following account is taken from the *San Francisco Chronicle*, on October 1, 1893, reveals how one Chinese merchant wife felt about her new home in California: "Poor me! In China I was shut up in the house since I was ten years old, and only left my father's house to be shut up in my husband's house in this great country. For seventeen years I have been in this house without leaving it save on two evenings."[37] Even though this account occurred later on in the century,

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[35] Lai Chun-Chuen, *Remarks of the Chinese Merchants of San Francisco, upon Governor Bigler's Message and Some Common Objections; with Some Explanations of the Character of the Chinese Companies, and the Laboring Class in California* (San Francisco: Office of the Oriental; Whitton, Towne and Company, 1855), p.3, 6.
[36] Mary Roberts Coolidge, *Chinese Immigration* (New York: Henry Holt and Company, 1909), 10-11.
[37] *San Francisco Chronicle*, October 1, 1893, pg. 2.

conditions for these merchant wives living in earlier times during and after the Gold Rush were not any better. These women of higher social status, unlike those of prostitutes, also found themselves secluded from the overall community because of Chinese patriarchal control within the culture and within Chinatown. These wives could not leave Chinatown, first, because of their bound feet, inhibiting them from walking too much and, second, because of the racism outside of the Chinese community.

Despite the economic opportunities available to most white men and even some Chinese men during and after the Gold Rush, Chinese women within their homes and within Chinatown were excluded from these opportunities, since they found themselves in a world of limited opportunities due to their race and gender. These Asian women had no concept of American ideas of individuality and no basic women's rights of owning land or getting a divorce. It was the white men who dominated the better paying jobs in the professional and skilled trades in California's towns, while the Chinese men found work in lower wage work like making cigars, shoes, boots, or washing clothes. Those menial jobs that required less skills put Chinese men in competition against a growing number of white women in occupations such as garment workers, laundresses, and even domestic servants. According to Judy Yung, many white women turned to prostitution because of scarcity of good jobs.[38] If the situation for white women looked bleak, the likelihood for Chinese women getting better jobs looked even gloomier. Yung writes that Chinese women who sewed, washed clothes, cleaned, and, more importantly, worked as prostitutes, did not get paid well on average since they worked for subcontractors.

Race and class dynamics helped create a strong demand for Chinese prostitutes, while gender and class made the daughters of their indigent Chinese fathers the hapless victims of this

[38] Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995), 25-26.

horrible exploitative human labor system. At times, fathers sold their own daughters to agents, while others were sent to America on false promises believing they were picture brides. In other cases, women were kidnapped in China and sold into slavery and controlled by shameless and unscrupulous men. Judy Yung explains that the American capitalist economy helped create a mobile Chinese male force that was unaccompanied by Chinese females; in part, this was due to anti-Chinese legislation controlling their numbers along with anti-miscegenation attitudes which eventually led to the institutionalized laws of the state of California denying Chinese men the right to marry white women in 1880. These factors significantly contributed to making most Chinese men live a bachelor's lifestyle, even though the majority were married to women back in China. The effects of these unfortunate circumstances made some Chinese men find marriage partners in other women of color, while making others establish sexual unions with white women. According to Judy Yung, the vast majority of Chinese men found sexual release in the brothels.[39] The results of these consequences created a profitable and well organized trafficking of Chinese women which the Hip Yee Tong came to control in San Francisco and the nearby towns in the early 1850s. The Hip Yee Tong started the traffic of women as early as 1852 by importing six thousand women and making a profit of $200,000 from 1852 to 1873. Tongs were secret societies that controlled legal and illegal trade which also included human trafficking. It is interesting to note that most Chinese women were illiterate and were easily tricked into thumb printing any document by an agent of the trade or, at times, even their own families. These women believed in the false promises that had been told to them, but in reality they were deceived and thus chose their fate into a world of despair.[40]

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[39] Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995), 29-30.
[40] Lucie Cheng Hirata, "Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century America," *Signs*, Vol. 5, No. 1, Women in Latin America (Autumn, 1979): 9-10.

Lucie Cheng Hirata describes that many individuals profited from Chinese women in prostitution, beginning with the brothel owners who also benefitted from them performing other tasks like sewing and cleaning in their free times, yet would not get paid for it. Others that profited from these women were the kidnappers, agents in China, importers who accompanied these women all the way to America, immigration officials turning the other way, policemen accepting bribes, landlords charging the brothel owners, and finally the tongs who collected a weekly tax on each woman in the business.[41] Hirata mentions that the Chinese who were occupied in this business found that even though they had to share their profits with the American consulate in Hong Kong and with white American lawyers and the immigration inspectors at the docks of San Francisco, there was much money to be made and, as such, prices were raised considerably. For example, a Chinese girl sold into prostitution back in China, would go for about 50 dollars, but was worth over 1,000 dollars in San Francisco which made up for the loss in splitting the profits among the men.[42] The practice of selling Chinese women in America, usually in designated cellars of Chinatown, continued even after the Chinese Exclusion Act of 1882, where wealthy Chinese men paid a hundred dollars for an infant and twelve hundred dollars for a girl of fourteen years of age.[43]

When some Chinese women attempted to escape the sex industry, they encountered serious risks. In the mid-nineteenth century and early twentieth century, when a woman escaped, she ran towards the police, missions, churches, or to even a lover, but the tongs, or men in the sex trade, were very quick to act in locating her since she was worth considerable revenue to them. Some methods of locating these women were simply by kidnapping them or charging

[41] Ibid., 10-15.
[42] Lucie Cheng Hirata, "Chinese Immigrant Women in Nineteenth-Century California," in *Women of America: A History*, by Carol Ruth Berkin and Mary Beth Norton (Boston: Houghton Mifflin Company, 1979), 231.
[43] Jean Pfaelzer, *Driven Out: The Forgotten War Against Chinese Americans* (Berkeley: University of California, 2007), 94.

them with robbery to the police, in the hopes that they would be arrested. The tongs would hire white lawyers to pay for their bail and have them returned to the brothels where their return would only be filled with despair and harsh punishment. Once taken back to her owners at the brothels, many were whipped, beaten, resold, or sent off to the mines. According to Hirata, the Chinese women at the mines served both Chinese and white miners, but were treated more harshly by the men than were their counterparts in San Francisco.[44]

The Golden Hills News, a Chinese newspaper of San Francisco, published the following on July 29, 1854 which depicted the bad fortune of these Chinese women: "After the women were landed in San Francisco, they were transported to Chinatown and housed in temporary quarters, where they were displayed for bids." The paper explained that the vast majority were sent to brothels of various quality and only a small handful were bought by well to do Chinese men who took them as their concubines. What is interesting to note here is that the newspaper mentioned that only a small portion of these women would serve in high-class dens that served an exclusively Chinese clientele of high rank. Most ended up in low-ranking brothels that catered to many white customers of whom would pay low fees of 25 to 50 cents for the sexual services. Forming the majority, these women were often mistreated by their owners as well as by the customers who frequented them. Finally, the Chinese newspaper points out that, on some occasions, these women were beaten to death by the brothel owners and, at times, white men would often force them to engage in abnormal and horrible sexual acts, or even worse shoot them.[45]

[44] Lucie Cheng Hirata, "Chinese Immigrant Women in Nineteenth-Century California," in *Women of America: A History*, by Carol Ruth Berkin and Mary Beth Norton (Boston: Houghton Mifflin Company, 1979), 233.
[45] *The Golden Hills News*, July 29, 1854 (In Chinese, but translated into English).

It is compelling to compare Latinas and Asian women working in the West during the Gold Rush when it comes to clients and locations. The Latin prostitutes were stuck living and working in places like Little Chile that catered only to Latino men and were paid very little with no chance of moving into more high class parlor houses frequented by white men whether Americans or Europeans. However, the Chinese women, or at least the vast majority of them, who might have catered to a more non-Chinese crowd received very low payments, yet the few Chinese women who catered to an all exclusive Chinese clientele, did much better in pay and housing conditions. Lucie Cheng Hirata compares the living conditions between the lower ranking prostitutes and the higher ranking ones in the following ways. The lower-grade prostitutes lived in compartments not larger than 4x6 feet that faced dim alleys with only one window facing the street. Inside these rooms, there were usually only a few pieces of furniture like a bamboo chair, a washbowl, some shelves and matted bunks for them to sleep. The more fortunate prostitutes would entertain at parties held by Chinese merchants and secret society leaders, like the tongs, where they ate good food and were allowed to receive presents or gifts from their customers like jewelry, silk, and even cash. Hirata mentions that some prostitutes were even able to send remittances to family members back in China during the nineteenth and twentieth centuries.[46]

There were some instances when Chinese women were able to use their occupation as an advantage, but they were very few and these were the fortunate ones. For example, the story of Ah Toy is one of a few rags to riches stories. This lady arrived to San Francisco in 1849 with success on her mind. According to Hirata and Arnoldo De Leon, there is evidence that she had paid her own passage to America making her debt free by not having to pay back her

[46] Lucie Cheng Hirata, "Chinese Immigrant Women in Nineteenth-Century California," in *Women of America: A History*, by Carol Ruth Berkin and Mary Beth Norton (Boston: Houghton Mifflin Company, 1979), 232.

transportation and also that she spoke English which gave her an enormous advantage. Ah Toy or Ah-Choi (which was another name that she might have had) possessed jewelry and fancy clothes on arrival and had the knowledge and skills to set up a business upon arrival. According to Hirata, she might have earned enough money back in Hong Kong catering to mostly foreign men in the sex industry as a possible prostitute while picking up the English language as well. In her first two years in California, she was charging one ounce of gold or 16 dollars per visit. An ounce of gold had been fixed to sixteen dollars back in the early 1840s, but would rise in value in the 1850s. Hirata mentions that even though sixteen dollars might seem a lot, European prostitutes were charging more exorbitant prices. Ah Toy catered to mostly non-Chinese customers in California and was able to accumulate enough money to visit China. While in China, she brought back other Chinese women with her to work for her in her own business. By 1852, Ah Toy managed two brothels in San Francisco and even established branches in nearby Sacramento.[47]

Early writings and testimonies described this woman as being twenty years of age upon arrival, describing her as a tall, well built, English speaking woman with bound feet. In 1851, Frenchman Albert Benard de Russailh put it this way, "The Chinese are usually ugly, the women as well as the men; but there are a few girls who are attractive if not actually pretty, for example, the strangely alluring Achoy, with her slender body and laughing eyes."[48] The *San Francisco*

[47] Lucie Cheng Hirata, "Chinese Immigrant Women in Nineteenth-Century California," in *Women of America: A History*, by Carol Ruth Berkin and Mary Beth Norton (Boston: Houghton Mifflin Company, 1979), 225-226. Arnoldo De Leon, *Racial Frontiers: Africans, Chinese, and Mexicans in Western America, 1848-1890* (Albuquerque: University of New Mexico Press, 2002), 77-78.
[48] Albert Bernard de Russailh, *Last Adventure-San Francisco in 1851*, trans. Clarkson Crane (San Francisco: The Westgate Press, 1931), 88-89.

Examiner printed a report on her mentioning that white miners were known to line up around the block and pay an ounce of gold worth sixteen dollars just to take a look at her.[49]

Ah Toy went to the great extreme of using the American court system in San Francisco to fight and sue clients who paid her with brass filings, instead of with gold, while at the same time complaining to the authorities of corrupted officials taxing and disturbing her Chinese workers. Barnhart explains that such events occurred often by policemen attempting to use city ordinances against prostitution to their own advantage.[50]

Although Ah Toy represented only the tiniest fraction of what Chinese women could accomplish in America, she represented a figure that defied Chinese tradition and culture by leaving her homeland alone when it was culturally looked down upon. This woman was not like the vast majority of her countrywomen who came to America with debt to pay off and or in a contract that needed to be honored, but instead came to California as a free agent. Within two years of having arrived to America, she employed other women to work as sex workers, giving the all-Chinese male dominance of the sex industry serious competition.

Chinese and Latin American prostitutes were, without a doubt, the most exploited members of the sex industry, but they were not the only foreign-born women in this business. According to Barnhart, the *Alta California* on February 2, 1850 demanded to know why the law had allowed the sale of three women from Sydney to raise money for their passage to California. This case clearly showed that these white women from Australia were not free independent

[49] *San Francisco Examiner*, January 23, 1881, pg. 1.
[50] Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995), 33. Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 47.

women entering America. As a consequence, most Australian men were seen with resentment by Americans and Europeans in San Francisco because of the notorious "Sydney Ducks."[51]

In 1849, 1850, and 1851, there was little sympathy towards Australian men; instead it was mostly xenophobia coming from people in California. The Sydney Ducks were a large group of men who sailed to California because of the Gold Rush from the British penal colony of Australia. These men had served criminal sentences there and had later been released, finding their way to America. Others most likely escaped the prisons in Sydney and ended up in San Francisco. Hubert H. Bancroft names the place where these "disreputable Sydney men" lived as Telegraph Hill. Around and below Telegraph Hill was Sydney Town, "between DuPont and Montgomery, has been alluded to as containing an undesirable collection of low drinking-dens, fringed by the abodes of Sydney convicts and other scum." Bancroft noted that ruffians and criminal bands composed of Australian men were threatening the overall San Francisco community. The community banded together in forming the Committee of Vigilance on the 9th of June with the support of merchants including Sam Brannan. The Vigilance Committee of 1851 took justice into their own hands and ended up hanging many of these Australian convicts on extralegal actions. The vigilance committee began patrolling, guarding, and hounding criminals on their own terms because of the incompetence, apathy, and negligence of elected officials and police.[52] Despite the Australians being controlled and rejected at the port of entry in San Francisco, it was not enough to prevent the entry of Australian prostitutes. The desire for

[51] Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 51.
[52] Hubert Howe Bancroft, *The Works of Hubert Howe Bancroft: Volume XXIII History of California 1832-1918*, (San Francisco: A.L. Bancroft & Company, 1882), 184, 741-743, 762.

women in California allowed for them to be permitted to stay in California, despite their nationality.[53]

One group of women that did very well during the Gold Rush were French prostitutes. According to Barnhart, these women displayed cultural pride, demanded and received much respect and admiration from the men, and collected fees comparable to even what American prostitutes commanded during the first days of the Gold Rush. These women did not arrive to California in significant numbers until after 1850. Once they arrived, they immediately became the center of attention and influenced the fashion among prostitutes and even high class ladies. Barnhart mentions that the French prostitutes' ability to attract men contributed to the overall success of many gambling saloons and was the reason so many of those saloons offered them the highest wages to grace their rooms.[54] Eliza Farnham made a distinct comparison between Mexican prostitutes to that of French prostitutes in the following quote, "In one corner of the hall a coarse-looking female might preside, a Mexican woman would be sitting at monte, with a cigareta in her lips, which she replaced every few moments by a fresh one." Farnham then goes on to describe the French women, "In a very few fortunate houses, neat, delicate, and sometimes beautiful French women were every evening to be seen. These houses, to the honor of the coarse crowd be it said, were always filled!"[55]

According to Barnhart, the reasons why French prostitutes did very well during and after the Gold Rush in California were because of their elegance and how they carried themselves. The more refined surroundings of parlor houses instead of any ordinary gambling saloon helped

[53] Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 51.
[54] Ibid., 52.
[55] Eliza W. Farnham, *California, In-Doors and Out: Or, How We Farm, Mine, and Live Generally in the Golden State* (New York: Dix and Edwards, 1856), 272.

elevate these women by creating more gentlemanly or polite behavior on the part of the customers. These women, like many of their compatriots, had a very positive self-image of their culture and people (while the world had a strong admiration towards anything French during the mid to late 1800s). While other non-French prostitutes, like the Chinese and Latinas, received negative publicity by the press, the French prostitutes were largely excused and polite terms like "charming demoiselles of France" were used instead.[56] Albert Benard de Russailh made it clear in his journal that these women back home in France, especially in Paris, were "streetwalkers of the cheapest sort," but in San Francisco "for a few minutes of their time, they receive a fee one hundred times what they got in Paris."[57] The same Frenchman wrote in his journal in 1851 how American men preferred French women over any other nationality for sex and company at the saloons, parlor houses, and bars. Benard de Russailh wrote, "Americans were irresistibly attracted by their graceful walk, their supple and easy bearing and charming freedom of manners, qualities, after all, only to be found in Frenchwomen."[58] He then continued, "If the poor fellows had known what these women had been in Paris, how one could pick them up on the boulevards and have them for almost nothing, they might not have been so free with their offers of five hundred or six hundred dollars a night."[59]

Kentucky born Charles J. Brenham, San Francisco's second and fourth mayor, spoke to the French consul of San Francisco and mentioned how he wished for more French women to arrive to San Francisco. The type of women that Brenham was referring to were not the prostitutes and entertainers who would make their fortune during the Gold Rush and then return

[56] Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 54.
[57] Albert Bernard de Russailh, *Last Adventure-San Francisco in 1851*, trans. Clarkson Crane (San Francisco: The Westgate Press, 1931), 27-29.
[58] Ibid., 27-29.
[59] Ibid., 27-29.

to France as soon as they could, but the "Golden Ingot Lottery" emigrants which were largely composed of French women. These women were usually from the countryside and from the working class segment of France. They had the intention of reuniting with their French husbands in California and staying permanently.[60] Despite the fact that most French women in the early days of the Gold Rush were prostitutes, they were far above the Chinese and/or Latinas in the vice industry. This was because, during that time, France was a leader in women's fashion, and French culture, in general, was admired because of its contributions to art, architecture, ideas, literature and even its own language was seen with admiration. Frenchmen coming to the Gold Rush, however, were not seen fondly. The reasons already mentioned above, helped place French prostitutes at the top of a hierarchy within prostitution and maintained them at the top until the end of the century.

During and after the Gold Rush in California, women were vulnerable to their surroundings and being considered white did not give them a ticket to exclusive protection or privileges. Being a woman did help her standing in some respects, especially in an area of the world where females were in short supply, but like all things there were limits. The following story is about Amelia Kuschinsky, a young girl who arrived to Shasta County in northern California at about the time the Gold Rush was starting to come to an end in the late 1850s. Amelia was a servant girl of about fifteen or sixteen years of age, most likely from Prussia. The Kingdom of Prussia was so large and vast that it consisted of what is today many parts of Germany and Poland. Due to Amelia's last name, she was likely of Polish origin. Amelia worked as a house servant to the Stillers, a German family also from Prussia. The head of the household was August Stiller, a merchant who found economic stability and prosperity due to

[60] Claudine Chalmers, "Francoise, Lucienne, Rosalie: French Women-Adventurers in the Early Days of the California Gold Rush," *California History*, Vol. 78, No. 3 (Fall, 1999), 153.

the mining camps in southwestern Shasta County with names like Dry Creek, Piety Hill, and Horse Town.[61] The tragedy occurred on March 14, 1860 when the body of Amelia was found inside the Stillers' house.

The coroner's report, along with two doctor's autopsies, revealed that Amelia had been pregnant and revealed that her internal organs were badly injured, causing an inch and a half rupture of her uterus with severe inflammation and decomposition which led to her death. Both physicians concluded that the damage to her body was caused by mechanical means to abort her unborn child. The county's jury consisted of eight men who called twelve witnesses--half were women, plus the two doctors. The big controversy that unraveled in the small mining community in Shasta County was more than just the medical details; it was the testimonies from neighbors that helped piece together the social circumstances and factors that disclosed attitudes about adultery and abortion of mid-nineteenth century western mining towns of California.[62]

Amelia was in charge of helping Mrs. Stiller and her three young children, plus the washing, cooking, and cleaning. According to some of the male and female neighbors' accounts, Amelia was always under the supervision of Mr. Stiller and both maintained an extramarital relationship which resulted in Amelia's pregnancy. According to historian Albert Hurtado, Stiller might have secluded Amelia from other men probably because of the large supply of men in their late twenties to early forties, in relation to the small population of women in their late teens, suggesting if all the women under the age of twenty were single, than there would have been more than eighteen single men for every single woman. Stiller's intention might have been

[61] Albert L. Hurtado, *Intimate Frontiers: Sex, Gender, and Culture in Old California* (Albuquerque: University of New Mexico Press, 1999), 116.
[62] Ibid., 117-118.

to protect her from other men or simply he just wanted to keep her by his side.[63] There is no evidence to suggest that Amelia might have wandered away from the house to look for male companionship. For the men and women who testified in Amelia's defense, the only suspect as being the father of the unborn child was Mr. Stiller. Dr. Gutmann was charged with having performed the abortion. Dr. Gutmann, was also a German like Stiller, denied having performed the abortion and defended himself by assuring people that Amelia died because of scarlet fever, but the autopsies from the two doctors revealed that much violence had been forced upon the woman's body during the abortion.[64]

Abortion was against the law in California and the penalty for violating this law was two to five years in prison.[65] In 1858, two years before Amelia's death, the state legislature strengthened the law by attacking persons who advertised those who might perform an abortion, where it could be performed, and where to buy and sell products that would help with the abortion. Gutmann and Stiller were found not guilty on first degree murders due to an insufficient amount of evidence, conflicting medical testimonies, and even Gutmann's own good character. However, both men worried that they might be lynched from the angry mobs of Shasta County. Hurtado points out that the two doctors who performed the autopsies and participated as witnesses to the jury might have overreacted towards Stiller and Gutmann. One of the doctors, Dr. Bates, belonged to the Know Nothing party which revealed his anti-immigrant and anti-Catholic views on both men who were immigrants and Catholic. Dr. Sewall, the other doctor, had only two hundred dollars to his name in personal property, while Dr. Gutmann had

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[63] Ibid., 121. (See Table 5.1)
[64] Albert L. Hurtado, *Intimate Frontiers: Sex, Gender, and Culture in Old California* (Albuquerque: University of New Mexico Press, 1999), 121-123.
[65] California Statutes, 1850, Chapter 99, section 45.
http://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1850/1850.pdf

twelve hundred, according to the 1860 census of Shasta County, hinting at the possibility of Dr. Sewall being jealous of Dr. Gutmann.[66]

This story leaves the reader with many questions that will probably never be answered. Did Mrs. Stiller really ever suspect on her husband's illicit affair with the poor Amelia? Did Amelia have a lover that was not Mr. Stiller? Did Mrs. Stiller tolerate the affair of her husband and her servant knowing that maybe she was very angry, sad, or jealous of the situation? What about Amelia's life and personality? The inhabitants of the town reveal nothing about how she might have looked like and how she carried herself, but instead revealed more about themselves and how they viewed this calamity. Amelia was probably seen as only a girl and not a woman, a poor helpless child performing child labor with no protection of a father and mother. In the end, Amelia was a single young white lady who had no control of her economic, social, and public life in the frontier and that made her very vulnerable in the West.

Although many prostitutes, particularly women of color, were seen as immoral and tainted with impure habits, they were the first non-Indian women to arrive to the Gold Rush in significant numbers prior to the migration of white American women from the East. These women did suffer greatly within the vice industry even though many went to California voluntarily and prospered. The vast majority lived within chains of subhuman working conditions; although, there were rare cases like that of Ah Toy, who managed to use her beauty, skills, and ambition to prosper, breaking cultural and social norms. The case of Josepha was unique in the sense that she was the only woman in the state of California to be hanged, despite that women in the mining towns of Northern California were scarce. If Josepha had been a white

[66] Albert L. Hurtado, *Intimate Frontiers: Sex, Gender, and Culture in Old California* (Albuquerque: University of New Mexico Press, 1999), 124.

woman, would she have been spared from the lynching despite the killing of Joe Cannon? That question might never be answered.

CHAPTER V

AFRICAN-AMERICANS AND THE FRENCH

When California was fully incorporated into the United States as the 31st state in September 1850, many basic rights enjoyed by free white male citizens of the United States did not apply to the African-Americans in the nation. The state of California was admitted into the Union in 1850 as a free state, but the right to vote, own and hold land, obtain citizenship, testify in the courts against whites, or marry whites, were rights that were denied to blacks in California as well as much of the country. There were states like Colorado in the West that gave blacks the right to vote in the late 1860s, but California did not grant African-American suffrage until the passage of the Fifteenth Amendment in 1870. They obtained citizenship two years before with the Fourteenth Amendment, but it took several years for those rights and privileges to occur. The only thing that was guaranteed in California, at least in law, was that slavery was prohibited. The social, political, and economic atmosphere for blacks was ambiguous, as white American legislators, voters, and overall citizens could decide what and how the future for the black community would look like in 1850 and onward. As African-Americans crossed the plains to move westward, they soon found out that it was not the "Promised Land" that they might have hoped for.

At roughly the same time, French immigration to California occurred during the latter part of 1849 and ended by 1854. Thousands entered the country by sea around Cape Horn in search of gold and fortune, and hoped to return to France as soon as possible. The majority of the French migrated to California because of the creation of companies that dealt with stocks, shares, trade, and cargo, while others entered through the lottery ticket system in France that gave them passage to America. Upon arrival, these Frenchmen encountered unfulfilled promises from the companies and Americans did not offer them the hospitality that many believed would be given to them. The French encountered, confronted, and dodged American hostility that stemmed from economic competition from the mines plus native xenophobia coming from the local mining camps, along with state laws like the passing of the Foreign Miners' Law Tax of which they were not exempt. The French and African-Americans entered into a land that was both promising and disappointing because their fate did not solely depend on their good fortune and hard work, but by uncontrollable circumstances that white Americans controlled.

The first civilian governor of the recently-admitted state of California to the Union was Peter Burnett. Originally from Missouri, this man headed to Oregon Country in 1843, which later became the Oregon Territory in 1848. Upon news of the discovery of gold in Coloma, California on January 24, 1848, Burnett and his family moved south to participate in the movement. Once in California, Burnett started to work for the son of John Sutter. Burnett got involved in selling land plots for the new town of Sacramento. Sacramento became a boom town because of its close proximity to the Sierra Nevada, serving the northern mines as well as the Sacramento River's navigability for large ships. In 1849, Burnett directed his attention towards politics and he decided to run for governor of California. On December 20, 1849, Burnett replaced military Governor Bennett C. Riley.

Burnett's "First Annual Message" to the California legislature on December 21, 1849 clearly showed his intentions towards blacks in California. In the message to the California legislature, Burnett acknowledged that the California constitution prohibited slavery within its boundaries, but the constitution made no provisions in reference to the settlement of free people of color within the state's limits. Burnett addressed his senate and assembly, noting that it is the legislature that needs to adopt laws concerning this important issue. The governor mentioned that the state constitution excluded free colored folks from the right to vote, and "from all offices of honor or profit under the state."[1] The *Daily Alta California* revealed the following reflection from the governor,

> For some years past I have given this subject my most serious and candid attention; and I most cheerfully lay before you the result of my own reflections. There is in my opinion, but one of two consistent courses to take in reference to this class of population; either to admit them to the full and free enjoyment of all the privileges guaranteed by the constitution to others, or exclude them from the state. If we permit them to settle in our state, under existing circumstances, we consign them, by our own institutions, and the usages of our own society, to a subordinate and degraded position; which is in itself, but a species of slavery. They would be placed in a situation where they would have no efficient motives for moral or intellectual improvement, but must remain in our midst, sensible of their degradation, unhappy themselves, enemies to the institutions, and the society whose usages have placed them there, and forever fit teachers in all the schools of ignorance, vice, and idleness.[2]

Governor Burnett explained to the citizens of California that their only option was to exclude blacks from entering the state because allowing them would only bring more problems to California. The governor imagined an ideal state in which he would govern, but without blacks in the picture. Informing the free white citizens of California of the possible consequences of admitting free colored people to California was enough for the governor to get

[1] *Daily Alta California*, December 26, 1849.
[2] *Daily Alta California*, December 26, 1849.

the necessary votes for the legislature to pass his laws, but his victory was limited in scope since he never got much support from the legislature and resigned as governor in January of 1851.

William Downie, the founder of Downieville, discussed in the previous chapter, recalled how some of the men in his mining company or party were actually non-whites. Examples of these men, include Charley Wilkins and Albert Callis, who were black men, "the two colored men, would cook for them and make them feel at home, and as far back as those early days I had become known as Major Downie, and travelers in search of shelter or relief were often told to go to Major Downie's cabin."[3]

William Downie claimed in his journal that he and his party of men were the first ones to have found gold in an area called the Forks which was located in the northern mines before 1850; the area later became known as Downieville, although Downie firmly believed that the Indians were aware of its presence long before the white man. Downie described that in his party a "Kanaka" and an Indian were in his company and that the Kanaka's name was Jim Crow. Kanakas were native-born Hawaiians or Pacific Islanders who arrived in California long before the Gold Rush when it was still part of Mexico. Downie believed that his company of men were "the right kind" and would prove successful in finding gold in their environment and he arranged matters to operate smoothly and systematically. The company was divided in parties. For example, one man would stay at the camp to supervise and protect, two or three other men would explore up and down the river in search of good claims and patches, while another would attend to the mules, donkeys, and horses. Whoever found the best claim would have first grabs on the

[3] William Downie, *Hunting for Gold: Reminiscences of Personal Experience and Research in the Early Days of the Pacific Coast from Alaska to Panama* (San Francisco: Press of the California Publishing Company, 1893), 46.

gold, but he had to reveal to the rest of the party his findings later in the evening at the campsite.[4] The Scotsman (as Downie was a native of Scotland) mentioned how, nearby the Forks, his company found much gold along the banks of the river, believing that this bar contained no more gold since it had been worked on continuously and was thought to be abandoned. With simply a butcher's knife, a tin pan, and a crowbar, Downie and his partners found gold worth several hundred dollars in a short amount of time--a few hours--with no shovel at all. Although these special episodes did not require much exertion, they did give the miners moments of happiness and great satisfaction. With this gold and gold dust, the miners could then buy more provisions to sustain their length of time in the wilderness and be able to withstand the winters in the mountains, thus finding more gold and repeating the cycle.

According to Downie's written testimonies of decisions on who to let in his party or company of explorers and prospectors of gold, the Scotsman seemed to be fair, just, and not racist towards men of non-European backgrounds. Downie described how he met a man on Bullard's Bar in 1849 and admitted him into his party or company of men. This man was an Egyptian from Alexandria, Egypt and a Muslim. According to Downie, the man was named Mamoo and was a sailor by occupation, but abandoned his vessel just as nearly all other sailors who deserted their ships as they headed towards the mines. Downie also described his fellow partner whose name was Albert Callis. Callis was a man of color, as already stated before, and was originally from Mathews County, Virginia. Downie suspected Albert Callis to be a runaway slave, but treated him like a human being with respect and equal treatment, allowing the black man to dig and claim his own placer and profit from the gold just like any other white man. Downie later mentioned how Callis found a claim rich with gold, but being a Sunday, he decided

[4] William Downie, *Hunting for Gold: Reminiscences of Personal Experience and Research in the Early Days of the Pacific Coast from Alaska to Panama* (San Francisco: Press of the California Publishing Company, 1893), 47.

not to work the claim to extract the gold. The following account from Downie described how the African-American reacted to gold on the Christian Sabbath, "I may state here that none of the darkies belonging to my company (I mean those of African blood), could have been induced to work Sunday, the effect, no doubt, of early training. But by and by Jim Crow came along. His religious and moral sentiments were both far below zero, and it did not take him long to remove the "taboo" from all the gold he could get sight of."[5] Although Downie did not specify what he meant by "early training," the reader might conclude that it implies the previous lifestyles that African-Americans might have adopted back East and or in the South, such as working all week long except Sundays and also observing the Christian Sabbath day which entailed not working on Sundays. If the blacks were slaves from the South, the chances were that Sundays were days associated with rest and religious devotion.

Historian Stacey L. Smith, the author of "Remaking Slavery in a Free State: Masters and Slaves in Gold Rush California," highlights an innovation that was created in the gold mines of California between slaves and their masters. This innovation was called a "Sunday claim," where slaveholders permitted slaves to stake their own mining claims and to keep the gold they dug on Sundays and during the evenings. Even though California entered the union as a free state in 1850, slaveholding practices still continued, but the master and slave relationship was different from what it had been back in the South. This new relationship gave slaves the opportunity of negotiating changes with their masters and one of these changes was economic negotiation, giving the slaves a share of the wealth that the gold mines gave to others. According to Smith, working under this system, some slaves could return home to their slave states with

[5] William Downie, *Hunting for Gold: Reminiscences of Personal Experience and Research in the Early Days of the Pacific Coast from Alaska to Panama* (San Francisco: Press of the California Publishing Company, 1893), 51.

several hundred dollars' worth in gold.[6] A Northern-born white American miner described how when he lived in Calaveras County in the Southern mines, large parties of slaveholders inhabited the region and mentioned, "the Negroes worked all the week for their masters and on Sundays they had claims where they worked for themselves."[7]

Smith explains how this "Sunday Claim" first appeared in the South. In the southeastern United States, many masters granted their slaves small pieces of land where they were permitted to grow gardens of their own during their time off on evenings and on Sundays. The slaves sold the produce from their gardens for cash or to simply get a hold of more food for themselves. According to Smith, many slaves viewed access to these garden patches or plots as one of their few and central rights afforded to them by their masters. When these practices between slaves and their masters were transplanted to the West, access to the mines on Sundays substituted the garden plots in the South.[8]

As slaveholders from the South struggled to duplicate familiar patterns of slavery and introduce slaveholding communities in California, they did so, but with a lot of anxieties of their own. Some slaves resisted masters' authority and pressed for greater freedoms. Slaveholders' greatest concerns were the great number of abolitionists in the West, plus knowing the risks of slaves escaping into the vast expanses of the frontier. Slaves often recognized that conditions in the gold mines challenged traditional power relations between them and their masters and thus presented the slaves with opportunities of fleeing from bondage, negotiation, and economic reward like that of the Sunday claims. Negotiation was a very interesting form of compromise

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[6] Stacey L. Smith, "Remaking Slavery in a Free State: Masters and Slaves in Gold Rush California," *Pacific Historical Review,* Vol. 80, No. 1 (February 2011): 47.
[7] Typescript of Leonard Withington Noyes's Gold Rush Reminiscences, pg. 44, Leonard W. Noyes Papers, Family Manuscripts 677, Phillips Library, Peabody Essex Museum, Salem, Mass.
[8] Stacey L. Smith, "Remaking Slavery in a Free State: Masters and Slaves in Gold Rush California," *Pacific Historical Review,* Vol. 80, No. 1 (February 2011): 47.

between slaves and the slaveholders. For example, some slaves pressed their masters to honor their ties with distant family members back in the South. In 1855, a slave by the name of Burton wrote to his master Charles McDowell back in North Carolina that he had not received any correspondence from family members back home and had no clue about their general welfare. Burton wrote to his master that if he did not get any mail from them soon, he would not return to North Carolina and, instead, he would seek freedom in the frontier. Burton and a number of other slaves were under the supervision of the son of Mr. Charles McDowell while in California.

Although this form of negotiation between master and slave sought correspondence in return for loyalty, other forms of negotiation asked for more in return. Smith provides another example of a slave by the name of Andrew Jackson who ran away searching for his freedom once his master had passed away in California. Knowing of his precarious situation of being caught by other slaveholders, Andrew wrote to his master's widow and, with reservations, offered to purchase his freedom. Jackson became aware that newspapers back in the South reported that he had escaped into the gold mines and never planned to return, however, in his letter to the master's wife, he wrote that he did not intend to run away permanently, but was asking for a fair and reasonable price to buy his freedom. According to Smith, the widow, fearing the loss of Jackson, agreed to free him in exchange for the sum of $1,500 dollars.[9]

On May 29, 1850, the *Daily Alta California* reported on a case that concerned a slave. The slave's name was Charles and his master was a Mr. Lindal Hayes. The paper reported that Charles was arrested due to "breach of the peace" and because he assaulted Mr. Hayes. Supposedly, according to the newspaper, the slave refused to surrender to the sheriff and other

[9] Stacey L. Smith, "Remaking Slavery in a Free State: Masters and Slaves in Gold Rush California," *Pacific Historical Review,* Vol. 80, No. 1 (February 2011): 46.

officers. The whole affair consisted of Mr. Hayes accusing Charles of wanting to stab him with a knife, but he did not succeed since the slave escaped. A man nearby stopped the slave by striking him from behind, allowing the sheriff and officers to arrest him. Once at the court, the defense attorney mentioned that there was no warrant and therefore the arrest was invalid, that there was no breach of the peace, and that Charles was truly a free man and not a slave. According to the *Daily Alta California*, Charles, along with Mr. Hayes, had been in court days before. Mr. Hayes sought protection of his human property, but the courts of California denied him any protection since, according to the constitution of California and the previous Mexican laws, Charles was a free man and could not be a slave. Days later, Charles was later captured by Mr. Hayes and that is when the whole affair, described above, occurred. The courts again discharged the claims from Mr. Hayes and his party on lacking eyewitness testimonies and lack of evidence supporting the claims. The paper was quick in noting that the success of Charles being discharged from accusations was due to Mr. Winans, a defender of freedom and justice for the black community. Finally, the paper then reported, "It is well known that of the persons brought here as slaves, but a small proportion are now retained in service by their assumed masters." The newspaper continued, "Whatever impressions maintain elsewhere, few in our midst doubt that perfect liberation that awaits the slave who places his foot on our free soil; but the friends of freedom and humanity everywhere will welcome gladly the ready response which our Courts have given to the unshackling tendencies which distinguish the spirit of this age."[10]

The *Daily Alta California* might have come to the conclusion that few blacks in California were retained in slavery simply because the U.S. Census of 1850 counted 962 blacks

[10] *Daily Alta California*, May 29, 1850.

in the whole state, but did not indicate whether they were classified as free or slaves.[11] According to Historian Rudolph M. Lapp, since slavery was declared illegal in the 1849 California state constitution, there was no need to categorize and number the amount of slaves in the state. The U.S. Federal Seventh Census of 1850 revealed that, out of a total of 962 blacks living in the state of California, only 90 were black females. The very large gap between the sexes among the African-Americans suggests that there was a strong and similar correlation with all other ethnic groups except Indians and Californios. The total white population of California in 1850 revealed a total of 91,635 of which 84,708 were white men and only 6,927 were white women.[12] The California state census of 1852 revealed that the black population in California had grown to a total of 2,206 individuals with an additional column showing mulattoes as an individual group numbering 528. The state census of 1852 for the state of California, however, did not include a slaves section, further indicating and reinforcing this belief that, since California was a free state, no slaves actually existed according to the law.[13]

Historian Matthew Frye Jacobson explains that, during the nineteenth century, the language of racism began to be used by scientists in their use of scientific terms like "craniometrics," "phenotypes," and "genotypes" in their discussion of human groups, revealing both their capacities and their relationships to other racial groups. Jacobson discusses the historian and anthropologist Audrey Smedley and how she described the rise of scientific racism in several key ways. Some of her examples include the required hierarchical ordering of the

[11] *Compendium of the Ninth Census*, Table VIII, pg. 29.
http://www2.census.gov/prod2/decennial/documents/1870e-02.pdf
[12] U.S. Census Office, *Seventh Census*, Table 1. Statistics of California, pg. 969. Table V. pg. 972.
http://www.agcensus.usda.gov/Publications/Historical_Publications/1850/1850a-31.pdf
[13] U.S. Census Office, *Seventh Census*, Table 1. Population-Whites, Colored, Indians Domesticated, and Foreigners-1852, pg. 982. (According to Ancestry.com, the 1850 U.S. Federal Census tallied California's population at 92,597, while the 1852 California state census count came in at 260,949 and that even though an additional 150,000 people were counted in the state census, not all Native Americans were counted into the population and San Francisco's census was destroyed in 1850 due to a major fire. The accuracy of the 1850 census was very inaccurate because of the rapid growth and mobility of the population at the time many miners poured and exited the state.)

human races based on physical and behavioral differences and the beliefs that outer physical characteristics were true indicators of inner intellectual, moral, and even temperamental traits. New sciences arose during the early to mid-1800s, like ethnology, anthropology, craniometrics, and phrenology, which, according to Jacobson, contributed greatly to many whites asking social questions about westward expansionism and the practice of owning slaves, and how many used such language to their advantage to validate those actions.[14]

When dealing with the science of phrenology, it was believed that by examining the shape, size, and unevenness of a head or skull, those discoveries were responsible for the different intellectual capacities among the races. Jacobson mentions in his book, *Whiteness of a Different Color*, the polygenist Samuel Morton, who discovered that different racial populations had different average measurements in their skulls which led to the belief that black African skulls were smaller than white European skulls, making the latter more intelligent than blacks.[15]

The following account describes how some of these scientific theories, influenced Englishman William Kelly. Kelly strolled through Clear Creek in the Trinity Mountains up in the Northern Mines and was astonished to see how many Missourians were near him in northern California and how they appeared to always exchange information regarding luck on the mines. William Kelly, who might also have been an Irishmen from the northwestern part of Ireland, described how one early morning he decided to go out hunting for elk or deer and was aroused by the shot of a black man who excelled in hunting and in preparation of the meat. Kelly mentioned that the "negroe" belonged to a "crowd." That crowd might have been the Missourians whom Kelly mentioned above. Kelly's remarks concerning blacks in America were

[14] Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge: Harvard University Press, 1998), 32-33.
[15] Ibid., 35.

unusually positive and admirable, "During my limited experience in the States, Negroes are handy and expert at whatever they try or give attention to, whether as servants or tradesmen; making, as we all know, famous cooks, unrivalled barbers, excellent sailors, capital blacksmiths, carpenters, and tailors." William Kelly continued, "They thus stand on a towering eminence above the Indian, who is incapable of acquiring any art or handicraft that involves the slightest exercise of mind or judgement."[16] Kelly described the Indians as being ignorant and lazy when left behind to work with no supervision, even though they had been taught and instructed in their labors, and "the most that can be made of him, with an infinity of pains, is the primitive occupation of a herder of stock." What is the most interesting description by Kelly was the comparison he drew between blacks and Indians. For example, in this account, he reveals "Place the head of an Indian beside that of a Negro, and contrast the fine, intellectual-looking features and phrenological developments of the one with the low animal cast and construction of the other."[17] Having arrived from Europe, in particular the British Isles, Kelly was very informed of the social sciences that were taking place in Europe (and later in America) to the point where he was comparing and contrasting black skulls to that of native Indian skulls. He might have seen blacks as inferior to whites, but nevertheless, he viewed them as superior to the Native Americans of northern California and as hard working and able people.

Kelly made one final observance of American blacks while in the United States, in particular to black slaves in California. In his own words he wrote, "They are said to be so sensitively impatient under the yoke at home, that they are always on the lookout for a slip to escape over the border, or by sheer thrift striving to acquire a sum sufficient to purchase their

[16] William Kelly, *A Stroll through the Diggings of California* (Oakland: Biobooks, 1950), 118-119.
[17] Ibid., 118-119.

freedom, and their emancipation is now the great political question of the States."[18] The Englishman then explained how he saw many slaves in great numbers defecting to the mines, seeking freedom, and believed that with large open spaces in the country and no law to restrain them, they would not be found.[19]

Even though the United States Congress passed the Fugitive Slave Act in 1850 as part of the Compromise of 1850, California passed its own Fugitive Slave Law in 1852; although, according to historian Arnoldo De Leon, antislavery sentiment during the mid-1850s weakened it.[20] Historian Rudolph M. Lapp mentioned a specific case of three black men by the names of Robert and Carter Perkins and Sandy Jones who, although were legally free because of the California constitution, were sent back to Mississippi as slaves. Lapp mentioned that the defense for the three slaves was that they had been in California a considerable amount of time with their master and no longer considered sojourners, but residents of the state. The outcome of the court's decision granted the slaveholder his legal title to his slaves on the ground that, "no law could possibly impair the rights to slave property guaranteed by the federal constitution, since to do otherwise would violate the rights of the slave states."[21] In other words, the national or federal law concerning fugitive slaves was the ultimate authority over California's constitution which prohibited slaves in its boundaries. This, along with California's own fugitive slave law, sent the slaves back to the South and further reinforced proslavery sentiment both in the legislature and within slaveholding communities on the frontier.

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[18] Ibid., 119.
[19] Ibid., 119.
[20] Arnoldo De Leon, *Racial Frontier: Africans, Chinese, and Mexicans in Western America, 1848-1890* (Albuquerque: University of New Mexico Press, 2002), 34.
[21] Rudolph M. Lapp, *Blacks in Gold Rush California* (New Haven: Yale University Press, 1977), 146.

According to Lapp, the actual number of blacks who were returned to slavery is not known, since many anonymous black men and women who were sent back to slavery were never actually recorded. The historian mentioned a particular case that gave a black slave his freedom due to the expiration in 1855 of California's state law on fugitives. The law was approved by the state legislature in 1852, but it expired in April of 1855, although the case dragged on until the law's expiration.[22]

Lapp raised an interesting topic of discussion in relation to how many slaves lived and worked in California during the Gold Rush. Lapp estimated the numbers to be around 200 and 300 black men and women in the mining camps at any given time in the first years of the Gold Rush, but concluded that, with the inclusion of slaves who returned to their home slave states, the number of slaves during the Gold Rush might have reached between 500 and 600.[23] Lapp explained that the great amount of people entering and leaving the camps during the Gold Rush challenged the census takers with coming up with absolute numbers, since no matter how people entered the state, whether by ships or vessels into the ports, or by overland routes into the western frontier, the population figures were constantly changing. One reason that made it impossible for the census takers to have included every slave into their records was the fact that many slaveholders worried about the possible loss of their slaves and thus they, along with their human chattel, often stayed out of sight in remote mining areas secluded from the rest.[24]

Some of the first blacks to have made it to the Gold Rush in California were black sailors. These men from New England sailing ships travelled to California for commercial reasons on board such vessels, but once having disembarked in San Francisco, many of them deserted the

[22] Ibid., 147.
[23] Ibid., 65.
[24] Ibid., 65.

ships and headed to the mines. In 1848, many ship captains, whether commercial or military, found their crews having defected because of the gold mania. According to Lapp, some African-Americans were ex-slaves living in the North who fled slavery in the South and who now went to the West. Many of these black ex-slaves lived in New England with relative ease as far as protection was concerned until the passage of the Federal Fugitive Slave Law.[25] New Bedford, Massachusetts had long been a haven for these people, but once the panic over hunters of fugitive slaves reached the state of Massachusetts in 1851, the *New Bedford Mercury* took the proactive decision to inform their black readers to consider moving to California for new-found safety and even suggested for them to take employment on the whaling ships that operated from the New England shores all the way to the Pacific Ocean.[26]

Even though blacks were not given the right to testify against whites in the courts in California and other parts of the United States, the following case of an escaped slave who headed to the mines is an important exception. James Williams was a slave born in Maryland, but escaped into Pennsylvania at a very young age. In 1851, James Williams arrived to the gold mines of California and stated the following: "We had no law in the country at that time and we miners constituted a law for ourselves. I was one of the miners that was present on an occasion to try another miner for the crime of stealing $50 from another."[27] James Williams explained that the accused miner told the truth as he was about to be hanged. Williams mentioned how he was the only colored miner in the crowd and it was up to him to determine if the accused should live or not. The black man said, "If he gives up the money let him go."[28] Clearly, Williams felt greatly opposed to taking the man's life. Even though James Williams was a black miner in a

[25] Rudolph M. Lapp, *Blacks in Gold Rush California* (New Haven: Yale University Press, 1977), 18-19.
[26] *New Bedford Mercury*, 18 March 1851.
[27] James Williams, *Fugitive Slave in the Gold Rush: Life and Adventures of James Williams* (Lincoln: University of Nebraska, 2002), 22-23.
[28] Ibid., 23.

party composed of all white miners, he testified against a white man and was even given the ultimate power of deciding whether the accused should live or not. In some instances, California, on the American frontier, was a place where anything could happen despite the racism and animosity displayed against men of color.

As some slaves were brought to the West by their masters, some decided to take the opportunity to escape into the vast unknown terrain and others were simply kicked out of the mining camps all together by non-slaveholding miners. On the 29th of July 1849, a Yuba miners' meeting was called and a resolution was passed that stated no slaves or blacks could make a claim or buy a claim on the Yuba River at Rose's Bar. One of the slaveholding individuals who felt that gold miners had little respect for those men who brought their slaves to the West was General Thomas Jefferson Green, a Texan, who went to the Northern Mines by the Yuba River with approximately fifteen slaves. General Green had violated the miners' laws of the district where he and his slaves had settled. According to miners' laws, they were the sole creators of rules and guidelines concerning the size of claims, the depth, width, and boundaries of the claims, and stated only citizens of the United States had the right to claims in their district. The General proceeded to claim land for himself and others under his name and under his slaves' names, which were in direct violation of the miners' laws. That being said, at the miners' meeting, new rules stated that no blacks free or slave could own claims and even went to the extent that no blacks could live and work in the mines within their district. The news was sent to the General by Major Sherman, who was a Mexican-War veteran just like General Green and who mined at Rose's Bar by the Yuba River. Major Sherman's account stated, "General Green, I know all about you and your history. You were fortunate in drawing a white bean when you

were a Texan prisoner of Mexico at Mier, or you would not now be here."[29] Major Sherman then recounted to General Green that he also had served in the Mexican War and was also a prisoner of the Mexican Army. Major Sherman continued, "There are veterans of the Mexican War here who are just as brave as you and your men, and it is foolish for you to defy our mining laws, which will be enforced by every man on this river who has regularly located his claim."[30] The General was given one more piece of advice by Major Sherman, "If you want to keep your slaves, you will have to go back to Texas or Arkansas, or by tomorrow morning you will not have one slave left, for the miners will run them out and you will never get them again. My advice to you is to get them together and leave for Texas!"[31] General Green was the original author of the infamous Foreign Miners' Tax Law of 1850.

The account from above stated that the laws of the miners, at least within Rose's Bar by the Yuba River, were the ultimate law and order within the district. The reason for miners' laws taking precedence over anything else was because at that time (during 1849 and later years), there were no actual courts, judges, police, or jails in the interior of the state. Even San Francisco, a city in transition, could not keep up with supplying its citizens with basic infrastructure and law enforcement because the demand outpaced the supply. For the African-American slaves and free persons of color, resolutions like the one mentioned, limited their opportunities for advancement in the frontier, even though the state of California was a free state, according to its state constitution. For blacks who were refused entry into certain mining camps by the local "white American citizens," two options existed for them: either flee to freedom in the vast open spaces of the countryside or return home to their former slave states to be reunited

[29] Allen B. Sherman and Edwin A. Sherman, "Sherman Was There: The Recollections of Major Edwin A. Sherman," *California Historical Society Quarterly*, Vol. 23, No. 4 (Dec., 1944), 351-352.
[30] Ibid., 351-352.
[31] Ibid., 351-352.

with family members in bondage, either by force such as being caught by slave hunters or voluntarily returning with their masters.

The situation was only marginally better for other ethnic groups in the mines like the French. In May 1848, Jacques Moerenhout, the French consul in Monterey, wrote to the minister of foreign affairs back in France about the gold discovery in northern California. This Frenchman was responsible for conveying accurate information to his superiors back in Paris and thus decided to venture out to the mining camps for himself. Moerenhout's tour through the San Joaquin River Valley started on July 11, 1848 and took almost a month. The consul had left for the interior with three other Frenchmen and his Indian servant and two Mexicans. Moerenhout described that, for several days, his companions all became miners and tried their luck in finding gold. Moerenhout even tried working as a miner for a few days and stated in his letter to the minister how exhausting and tiresome the task of mining was. He reported that the miners used simple methods like panning by the river and using a cradle to separate the gold dust and pebbles from the soil. The consul then reported on the areas between the American and the Cosumnes Rivers and how they were recently discovered by large groups of men, mostly Americans and a few Californios, and how easily these men were making two to three hundred dollars a day with only the use of a crowbar and knife.[32] The most astounding surprise to the consul was, upon having returned to Monterey, the capital of Alta California, he found the town completely deserted of all men including soldiers and officers from their posts and to the mines. Moerenhout's detailed letters to officials back in France only convinced them to take quick actions and attention towards California, since much money could be made from gold and the

[32] Abraham P. Nasatir, "The French Consulate in California 1843-1856: The Moerenhout Documents," *California Historical Society Quarterly*, Vol. 13, No.1 and 2 (March and June, 1934), 62-65, 160-161, 164.

gold could contribute to other industries like imports and exports of merchandise, wine, brandy, food, hides and tallow.[33]

Those official accounts from the French consul to his superiors in Paris only helped create a powerful movement of ambitious men in all sorts of occupations to take part in the California Gold Rush. The year 1848 in France was a time of social and political tension that created civil unrest, high unemployment, and immense poverty, which was exacerbated by crop failures. These outcomes only created a bleak and desolate future for France. That same year, a revolution in France occurred that succeeded in ousting the French monarchy and replacing it with a republic, but at the cost of many lives. The year closed with a new constitution and a new president. The new constitution of the country gave universal male suffrage to men and they elected, by a landslide victory, Louis Napoleon Bonaparte, the nephew of Napoleon I. Although there was a lot of uncertainty with regards to the future of France, the news of gold in California sparked much hope to many men and women in France.[34]

In late 1848 and early 1849, there was a rise in the creation of French companies intended to help alleviate the problems that miners would encounter or already encountered, in the cases of Frenchmen already in the mines. Many of these problems dealt with access to provisions, having food for the miners, tools to mine, priests for their Catholic faith, even doctors and weapons for their health and security. These companies offered the French miners these basic commodities and services in exchange for about half of the gold profits that the miners hoped to bring home to France, plus it gave back to the companies' investors their share of the profits. The task of every company was to sell stock in a way that appealed to the public. Promoting the

[33] Abraham P. Nasatir, "The French Consulate in California 1843-1856: The Moerenhout Documents," *California Historical Society Quarterly*, Vol. 13, No. 3 (September, 1934), 270-274.
[34] Malcolm J. Rohrbough, *Rush to Gold: The French and the California Gold Rush, 1848-1854* (New Haven: Yale University Press, 2013), 14, 16-18, 19-20.

emigration of French people to new opportunities in the American West only helped to legitimize these companies' ventures which were greatly measured in terms of how many ships they had, how many men, and the amount of trade they would be taking to California.[35]

Many of the French "Forty-Niners," once they arrived to California in the latter part of 1849 and the early part of 1850, realized that the promises of the companies (made in France) were not carried through with, including the offering of protection, food, weapons, medicine, or even a priest, as well as the handing out of tents. Some Frenchmen, like Jean Montes and Etienne Derbec, described in their letters that once they arrived, the companies did not fulfill anything and simply dissolved once having landed. The only good news, was that they had the opportunities of making money in the port of San Francisco in anything. Once there, they could save enough money to then head over to the mines in groups of other Frenchmen without the support of the companies.[36]

Once the Frenchmen entered the interior of the Sierra Nevada, they congregated with other Frenchmen and started to set up tents, thus forming their own mining camps. According to J.D. Borthwick, the French did not speak any English and did not assimilate well with the Americans as they only kept to themselves and to some Spanish-speakers. The Scotsman described the Germans as very intelligent people who spoke English very well and worked with the Americans in several occasions, which Borthwick could not say about the Frenchmen. Borthwick mentioned that the Americans would simply call all Frenchmen "Keskydees," since when approached by Americans, the French always answered, "Qu'est ce qu'il dit?" That is

[35] Ibid., 56-58.
[36] Malcolm J. Rohrbough, *Rush to Gold: The French and the California Gold Rush, 1848-1854* (New Haven: Yale University Press, 2013), 106-108.

French for "What did he say?"[37] In these camps, they established their own basic rules and guidelines concerning claims and the sharing and division of chores. Many French miners adopted the mine claim principles of the Americans and, as the population of the placers increased, so did the pressure to find and establish claims of their own which were far away from the Americans' claims. According to historian Malcolm Rohrbough, the French miners did not understand the American tradition of creating an absolute and unrestricted form of government in the mines that dictated everything and which made them subjects to their rules.[38]

Etienne Derbec was a prominent French journalist who went to California in 1849. He reported events firsthand about his visits to the mining regions and many of his letters soon appeared in some newspapers of Paris like the *Journal des Debats*. In his letters, Derbec admired the energy, courage, ambition, and drive of the Americans and how the city of San Francisco reflected these qualities solely because of the American ambition and spirit of enterprise. Derbec mentioned how his own people could not compete with the Americans since they lacked these qualities and did not speak English. The journalist simply stated that the best thing for them to do was to simply live among themselves in the mines.[39]

In the port of San Francisco, the French monopolized the shoe shining trade within the streets of the growing city and as hairdressers, cooks, wine importers and professional gamblers. At times, the French merchants in the city complained that they were not treated fairly and equally as the other merchants, in particular the Germans. According to the authors of *The Annals of San Francisco,* the reasons were that the French did not assimilate well, did not speak

[37] J.D. Borthwick, *The Gold Hunters: A First-Hand Picture of Life in California Mining Camps in the Early Fifties* (Cleveland: The MacMillan Company, 1917), 232-233.
[38] Malcolm J. Rohrbough, *Rush to Gold: The French and the California Gold Rush, 1848-1854* (New Haven: Yale University Press, 2013), 180.
[39] Etienne Derbec, *A French Journalist in the California Gold Rush: The Letters of Etienne Derbec,* edited by A.P. Nasatir (Georgetown: Talisman Press, 1964), 29, 85.

English, and their physical appearance was very foreign to Americans' perceptions. Further, the French simply did not possess by nature the intelligence, energy, enterprise, and the hard-working ethics of the Americans and the Northern Europeans.[40]

Once already at the mines, the French were slow in following the statutes and or rules of the actual mining camps. According to Rohrbough, in the mining districts, there were meetings every Sunday morning where the miners would congregate and hold sessions, pass resolutions, sign statutes, and hold discussions. A Frenchman, by the name of Alexandre Andre, wrote a letter mentioning one of his countrymen having been expelled from a camp because of stealing. The camp was largely composed of French, but Andre mentioned that if the Frenchman happened to be at the mercy of the Americans, that Frenchman would have been hanged. The letter also revealed how Alexandre Andre referred to his people as more humane and not barbarous.[41] Patrice Dillon, the French consul, wrote a letter in October 1849 that described the cordial relations between the French and the Americans in the mining camps early on. In his letter, he explained that Americans saw the French as allies because of what they did during the American Revolution. This was simply because Dillon came across friendly Americans and, in instances when the Americans were hostile to the French, he believed it was because the Americans forgot about the French contributions.[42]

According to Rohrbough, those cordial relations did not last long as the number of miners grew and the size of claims diminished which caused much friction in the mining camps.

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[40] Frank Soule, John H. Gihon and James Nisbet, *The Annals of San Francisco* (New York: D. Appleton and Company, 1855), 462-464.
[41] Malcolm J. Rohrbough, *Rush to Gold: The French and the California Gold Rush, 1848-1854* (New Haven: Yale University Press, 2013), 182-183.
[42] Malcolm J. Rohrbough, *Rush to Gold: The French and the California Gold Rush, 1848-1854* (New Haven: Yale University Press, 2013), 198.

Rohrbough describes some Americans as having been friendly as individuals, but collectively, they acted out the principles of Manifest Destiny, enhancing their prospects while diminishing the prospects of other foreigners, including the French. When Americans instituted mining laws within their own districts and because they were the majority, they used their improvised laws for their own benefit. If the French happened to be in those districts, they being the minority, were often chosen targets by the Americans, especially if the French had good and productive claims. The only option for the French was to leave all together their claims and find other ones further away from the Americans. The Frenchman, Alexandre Achard, described the Americans as brutes and scum of the population in the mines, especially how they banded together against the foreigners. Another Frenchman by the name of Charles de Lambertie mentioned that the Americans lacked the qualities of the Spanish-speaking miners who were polite and cordial, describing the Americans in the mines as violent and aggressive as their numbers increased. De Lambertie mentioned in his account that the Americans used their own sovereign laws and customs to exclude the French, including himself. Having been a victim of the Americans, the Frenchman decided to quit the mines all together, recalling that the Americans all stood together while not one single American ever protested about their inhumane behavior.[43]

A letter from the Frenchman Etienne Derbec was published in the *Journal des Debats,* which confirmed the rising tensions between the French and the Americans. The letter that was written in February of 1850, reporting that some eight to ten thousand French miners were clustered all along the riverbanks of the San Joaquin and Stanislaus. The French miners discovered gold in large quantities in those areas which caused much jealousy among the Americans and started a war between the two groups. Derbec reported the following, "A

[43] Malcolm J. Rohrbough, *Rush to Gold: The French and the California Gold Rush, 1848-1854* (New Haven: Yale University Press, 2013), 200-201.

combat, a veritable battle, is reported to have resulted in which many are said to have lost their lives on both sides; however, the military victory supposedly went to our compatriots."[44] Derbec even questioned if the newly founded Republic of France would intervene and protect its French miners. In the end, this victory of the French towards the American miners only provoked more violence and hatred towards the foreigners.

On April 13, 1850, the California legislature passed the Foreign Miners' Tax Law. At first the French felt indignant on the tax, but were publicly quiet on the subject. Rohrbough mentions that the *Sonora Herald* published a report on May 31, 1850 which revealed that, although hundreds of the French miners resisted paying the tax, the majority paid the tax while others paid by installments.[45]

During the month of May 1850, the tax collector, Lorenzo A. Besancon, arrived to Tuolumne County to begin collecting the taxes only to be confronted by up to five thousand angry Frenchmen along with Mexicans and Chileans. According to an eyewitness account by a German named Friedrich Gerstacker, this was a "French Revolution." The *Stockton Times* reported that some of these foreigners hoisted their home flags in defiance.[46] According to Canadian miner-turned-merchant, William Perkins, this large group of foreign miners were mostly French, but with Mexicans and Chileans as well, who gathered outside of Sonora protesting the tax on May 19, 1850. The large group of foreign miners was under the direction of a Frenchman named Casimir Labetoure, who provoked these men to fight to the death, but was later tried and probably hanged. According to historian Susan Johnson, the aftermath of this

[44] Etienne Derbec, *A French Journalist in the California Gold Rush: The Letters of Etienne Derbec*, edited by A.P. Nasatir (Georgetown: Talisman Press, 1964), 80.
[45] Malcolm J. Rohrbough, *Rush to Gold: The French and the California Gold Rush, 1848-1854* (New Haven: Yale University Press, 2013), 207.
[46] Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: W.W. Norton and Company, 2000), 210.

so called "French Revolution" was inconsequential, because by the time a large group of American armed miners arrived to Sonora, they found only a quiet town with most of the foreign miners already having left.[47] As far as the foreign flags that were hoisted in Sonora, Anglo miners fired at the flags and replaced them with American flags.[48]

There was a conflict that occurred on April 1851 at Mokelumne Hill between French and Irish miners over rich mining claims. There were shots fired, many people were wounded and an Irishman dead. The French miners fled and regrouped with more of their countrymen returning the following day to retake their claims, but were outnumbered by over six- hundred American miners in support of the Irish. The outcome of this confrontation was calmed due to the intervention of the French consul and, in part, due to Thomas Butler King who was the president of the California Senate. According to Rohrbough, if it had not been for the intervention of these two men, the consequences could have escalated to more violence. The reasonable explanation for the Americans having joined forces with the Irish against the French was, according to Rohrbough, Americans' long standing resentment and disagreements with the French over time.[49]

The French miners arrived to the mines at a time when more and more men started to settle up and down the rivers of the Sierra Nevada. In doing so, these Frenchmen were already at a disadvantage because the competition for finding better and more productive claims intensified, thus making claims smaller and more difficult to find. The French had a hard time understanding the Americans' ways of forming laws, especially the practice of taking justice into their own hands and using them to their benefit only to make the French miners feel as outsiders

[47] Ibid., 212.
[48] Ibid., 212.
[49] Malcolm J. Rohrbough, *Rush to Gold: The French and the California Gold Rush, 1848-1854* (New Haven: Yale University Press, 2013), 213.

and intruders. What helped the French in dealing with these unfair practices was uniting with other French and at times with Spanish-speaking miners for protection as well as isolating themselves into clans, hoping to be undisturbed by the Americans. In the end, many of the Frenchmen did end up paying their taxes in order to not be bothered or harassed by the Americans, but there were others who resisted paying the tax and stood their ground, only to find themselves later removed from the mining districts largely populated by Americans. The French miners during the California Gold Rush were not treated as equals by the Americans as were other Western and Northern Europeans like the Germans, Dutch, English, Irish, and Scots, but were also not seen as enemies of a recent and bitter war between nations like that of the United States and Mexico. Their situation in California during the Gold Rush was viewed with many mixed feelings with the more negative ones prevailing.

In consequence to African-Americans migrating to California with their masters, California soon became a land that allowed for new working relations to evolve between masters and slaves, allowing for more flexibility and independence. However, blacks in California did not have the support of the state nor the federal law if caught as fugitive slaves as they would have to be returned to their masters. The state of California became a free state, but did not offer African-Americans the help they needed to become full-fledged independent citizens until after the Civil War with the passing of the 13th, 14th, and 15th Amendments, putting their lives during the Gold Rush in a precarious situation. Both African Americans and the French faced different, though related, barriers to the goldfields—both contended with antagonism from white Americans.

CHAPTER VI

CONCLUSION

The California Gold Rush transformed the little sleeping village of San Francisco, composed of 800 people in 1848, into a bustling community of over 30,000 inhabitants by 1850. The native Spanish-speaking Californios who were the majority of the inhabitants, excluding the Native Americans, became the minority within a short amount of time. The impact of the Gold Rush brought the Californios riches from their early findings of gold, since they were some of the first men to mine for the precious metal in the Sierra Nevada of California. The negative consequences of the Gold Rush, however, outweighed the wealth that several Californios accumulated because of gold.

Alta California soon became a battleground for full scale Anglo-American penetration and conquest. With the ending of the Mexican-American War in 1848, followed by the Gold Rush that same year, Alta California would never be the same again, wherein the Spanish-speaking population lived within their own customs, laws, and enjoyed living off the fat of the land that encompassed thousands of acres of their ranches. The 1,300, or so, Californios that headed to the mines in 1848 were soon outnumbered by the 4,000 or more Anglo-Americans who migrated to the West.[1] By 1849, the Californios were made insignificant in numbers compared to the 100,000 Americans, Europeans, and other Spanish-speaking men who headed to

[1] Leonard Pitt, *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley: University of California Press, 1971), 49-50.

the mines.[2] During 1848 and 1849, Mexicans from the northern state of Sonora soon became the majority of the Hispanic miners to the Sierra Nevada followed closely by the Chileans. It was the destiny of the Californios to be categorized with the rest of the Latin-Americans who soon became the majority. Most white Americans from the eastern part of the United States simply refused to distinguish the different nationalities of Latin-Americans and lumped all Californios as "greasers." Californios soon became foreigners within their own land and faced xenophobia by white Americans.[3]

The aftermath of the Mexican-American War did not help the situation with the Sonorans from Mexico. These men headed north to California because of the early news of the Gold Rush and brought with them their expertise on mining along with their methods that helped them become successful in the mines. As these Mexicans from Sonora became more and more abundant in the mines, Anglo-Americans felt that there was a need to put a halt to their immigration. On orders and suggestions of General Persifor F. Smith, who was on his way to California to take over as military governor and relieve Governor Richard B. Mason of his duty, many of the white American miners in the mines took the responsibility of expelling the foreigners from the Sierra Nevada.[4] The military governors of California gave the American miners the independence to manage their affairs as best as they could, since these miners were American citizens.[5] Spanish-speaking miners became the victims of nativism and racial

[2] Doris Marion Wright, "The Making of Cosmopolitan California: An Analysis of Immigration, 1848-1870," *California Historical Society Quarterly*, XIX (Dec., 1940), 323-343; XX (March, 1941), 65-79.
[3] Leonard Pitt, *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley: University of California Press, 1971), 53. William D. Carrigan and Clive Webb, *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848-1928* (Oxford: Oxford University Press, 2013), 58.
[4] Leonard Pitt, *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley: University of California Press, 1971), 55.
[5] General Persifor F. Smith to William L. Marcy, Jan. 7, 1849, in *California and New Mexico*, 707. http://quod.lib.umich.edu/cgi/t/text/text-idx?c=moa&cc=moa&view=text&rgn=main&idno=AGW6594.0001.001

prejudice even before the actual passing and signing of the first Foreign Miners' Tax Law in 1850.

Chileans were another group of Latinos that suffered from widespread hostility and violence. Organized mobs of discharged soldiers of the Mexican-American War, called the "Hounds," along with ex-prisoners from Australia known as the "Sydney Ducks," took the law into their own hands and performed some of the most vicious assaults on these men and even some women. A variety of factors contributed to these assaults: increased competition in the mines, racial animosity, lack of an actual police force in the towns and city of San Francisco, local miners' laws excluding the rights of the foreigners, particularly Spanish speakers, and finally the passing of the Foreign Miners' Tax Law, contributed to the racial intolerance towards Latinos within the first couple of years of the Gold Rush.[6]

By 1852, the largest non-white population of miners was the Chinese. The first Foreign Miners' Tax Law did not apply to them, since they were insignificant in numbers, but the second Foreign Miners' Tax Law in 1852 targeted the Chinese more than any other group.[7] By 1852, there were over 20,000 Chinese in the state of California and many of them were found in the mines.[8] At first, when whites encountered the Chinese in the Sierra Nevada, they believed them to be of no particular threat because the Chinese would work only abandoned claims that most Americans found no longer productive and also because the Chinese were few in number.[9] However, all that changed as the Chinese grew in larger numbers and began to live and work on

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[6] James A.B. Scherer, *"The Lion of the Vigilantes": William T. Coleman and the Life of Old San Francisco* (New York: The Bobbs-Merrill Company, 1939), 81-82.
[7] *California Statutes*, 1850, p.84-87.
[8] Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Company, 1989), 79.
[9] C.W. Haskins, *The Argonauts of California: Being the Reminiscences of Scenes and Incidents that Occurred in California in Early Mining Days* (New York: Fords, Howard & Hulbert, 1890), 189.

little or insignificant wages which caused an outcry with the Americans. Their frugal methods of subsistence provoked many Americans to pass "resolutions" or local laws that would prohibit the Chinese from entering the mines, from buying claims, and/or working the claims for their own. This caused many Chinese men to find occupations as cooks, peddlers of produce, and as washers of clothes. The passing of the California state law, the second Foreign Miners' Tax Law in 1852, targeted the Chinese exclusively.[10] The Chinese were seen as being very clannish and secretive, but it was simply because they were trying to avoid clashes with whites; as well, it gave them no pretexts to think that they were taking up good claims or finding more gold than their white counterparts. The Chinese were not seen as potential candidates for citizenship of the United States and, consequently they were not protected by the federal, state, and local laws.

Women in the American West contributed significantly in California, but were seen as victims of society, especially if they were prostitutes. Men far outnumbered women during the California Gold Rush which contributed to their value to men, but if they were women of lose morals and happened to be non-white, their value dropped considerably (at least according to white American society). Victorian culture and attitudes of the American middle-class, stemming from the East, did not have a firm grip on the West, which contributed to the proliferation of prostitution. That said, white men from the eastern part of the United States, looked down upon women of color in the vice industry even though they sought their services. These non-white foreign prostitutes were Asian and Latina women, as well as others, who migrated to California voluntarily based on false and broken promises. These women of color were not the right kind of women that white American men could see themselves forming a family out in the West, although neither were white prostitutes, but the latter ones were seen as

[10] *California Statutes*, 1850, p.84-87.

more beautiful and lucrative, thus increasing their value. The Asian women were mostly Chinese women who found themselves in limited surroundings, catering to their own countrymen just like the Spanish-speaking prostitutes. These two groups of women did not have the opportunities for social advancement within society, since they did not speak English and were in circumstances that did not allow for them to venture away from their places of work; further, many were bound to contracts that needed to be paid off.[11]

Along with these women of color who found themselves in unfavorable circumstances, were African-Americans. Although blacks who headed to the Gold Rush were insignificant in numbers, they came in mixed populations as either slaves or freedmen, numbering a few thousand.[12] There were slave-holding groups consisting of masters and slaves in the gold camps that maintained tight-knit communities. The reason these slave-holding communities stayed together was for more added protection against miners who disliked the presence of blacks, free or not. Many white American miners disliked slave owners, not because they were abolitionists, but because they feared that free labor would be affected by unfree labor.[13] The state of California entered the Union as a free state in 1850, but failed to impose any constitutional protections for African-Americans which would offer them freedom. Although, basic human rights that were offered to white citizens of the country were not offered to blacks, African-Americans lived and worked in a new environment where they learned to establish some

[11] Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco 1849-1900* (Reno: University of Nevada Press, 1986), 44.
[12] U.S. Census Office, *Seventh Census*, Table 1. Population-Whites, Colored, Indians Domesticated, and Foreigners-1852, pg. 982. (According to Ancestry.com, the 1850 U.S. Federal Census tallied California's population at 92,597, while the 1852 California state census count came in at 260,949 and that even though an additional 150,000 people were counted in the state census, not all Native Americans were counted into the population and San Francisco's census was destroyed in 1850 due to a major fire. The accuracy of the 1850 census was very inaccurate because of the rapid growth and mobility of the population at the time many miners poured and exited the state.)
[13] Allen B. Sherman and Edwin A. Sherman, "Sherman Was There: The Recollections of Major Edwin A. Sherman," *California Historical Society Quarterly*, Vol. 23, No. 4 (Dec., 1944), 351-352.

foundation for negotiation towards their masters and their ability to seek gold revenue for themselves.[14]

Although the last group of foreigners arriving to California were considered free and not tied to servitude, they confronted a foreign land that soon provided them with confrontations with Americans. The French were not exempt from paying the Foreign Miners' Tax, yet many stood their ground and refused to pay, which only caused more tension between them and the Americans.[15] The French Consul even intervened on their behalf to avoid a major battle that could have lasted for days when things were getting out of hand, but could not offer them the provisions that the French companies failed to provide.[16] There were many Frenchmen that united amongst themselves and with other foreigners, in particular the Mexicans and Chileans, for added protection against the Americans which at times held back the American miners and even tax collectors.[17] The French imagined that the Americans would offer them American hospitality upon their arrival, but instead received hostility and impatience towards them.

The several groups mentioned in this thesis that migrated to California during the Gold Rush, all came with the intent of striking it rich, except of course for the cases which involved forced servitude like some Chinese and Hispanic women and some African-American slaves. All these different ethnic groups faced hardships that made them live precarious lives in an intolerant frontier environment. Prior to the passing of formal legal local and state laws of California, minorities entering California in the early years of the Gold Rush, encountered fierce,

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[14] Stacey L. Smith, "Remaking Slavery in a Free State: Masters and Slaves in Gold Rush California," *Pacific Historical Review,* Vol. 80, No. 1 (February 2011): 46.
[15] Malcolm J. Rohrbough, *Rush to Gold: The French and the California Gold Rush, 1848-1854* (New Haven: Yale University Press, 2013), 207.
[16] Ibid., 213.
[17] Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: W.W. Norton and Company, 2000), 210-212.

racist, and xenophobic extra-legal laws supported with violence and limited protection at the mercy of the larger white American population.

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BIOGRAPHICAL SKETCH

Raúl David López was born and raised in the United States. From an early beginning in his childhood, he was fascinated with the American West and the people that migrated there. Mr. López served the United States Navy for ten years and upon completion of his service in the military, he obtained a Bachelor's degree in Social Studies Composite at the University of Texas-Pan American in Edinburg, Texas. During his studies, Mr. López contributed to regional history of South Texas by publishing work as a co-author of The Cantú Family: A Porción of Edinburg. Mr. López then went on to complete a Master's of Arts in History from the University of Texas Rio Grande Valley in December 2015.