The Negro in Gold Rush California
Author(s): Rudolph M. Lapp
Published by: Association for the Study of African-American Life and History, Inc.
Stable URL: http://www.jstor.org/stable/2716201
Accessed: 24/06/2010 18:34

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at http://www.jstor.org/page/info/about/policies/terms.jsp. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at http://www.jstor.org/action/showPublisher?publisherCode=asalh.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.
When Marshall discovered gold on the South Fork of the American River, he initiated a change in the lives of tens of thousands of people of many races and nationalities. The Negroes of the United States, slave and free, were not exempt from this change. Even the Negroes of the West Indies and Latin America were caught up in the sweep of the Gold Rush. The literature of this period frequently mentions the slave and "persons of color," but too often they are merely noted as "someone's cook" or as a member of a passing party of immigrants. Some of the "mug books" of California's history refer to Negroes who "struck it rich," and other books report the fact of slave miners in the gold fields. There are places in the Mother Lode country that bear the name "Negro" or "Nigger" indicating that Negroes were present, but specific accounts of Negroes in California during the Gold Rush are not numerous. The most ambitious book attempting to show the role of the Negro in early California is marred by "mug book" deficiencies.1

From the first days of the conquest by the Americans, Negroes could be found in California,2 but after the discovery of gold was reported in the Eastern states, their number rapidly grew. By 1850, there were nearly a thousand in the state;3 by 1852, over two thousand;4 and by 1860, over four

1 Delilah Beasley, Negro Trail Blazers of California (Los Angeles, 1919).
2 Alcalde Walter Colton had a San Domingan mulatto cook who came to California with the Fremont party. Walter Colton, Three Years in California (Stanford, 1949), 235.
3 Compendium, Ninth Census (Washington, 1872), 29.
thusand—or slightly more than one per cent of the total population. After 1860, the Negro population of the state increased slowly; in 1870 it was a little more than four thousand, and this slow rate of growth continued until the beginning of World War I.

The Negro came to California by all the major routes to the gold fields. There are many references to slave owners taking their slaves to California by the most common route, the overland route, and there are references to many wagon trains which included free Negroes in their complements. Still we cannot say with absolute certainty that most Negroes came overland to California because there are also references to Southerners bringing large numbers of their slaves to San Francisco by the Panama route.

These slaves, destined for employment as miners in the valleys of the Mother Lode, worked as cooks, barbers, and servants for their masters and employers while enroute; and there is even one mention of a Negro who served as an overland guide. One forty-niner noted that a Virginia group, camped near him on the trail one night, included a Negro guide who attracted his attention because of his musical ability. Many Negroes who came to California came as slaves without any hope of obtaining their freedom, but it is clear that many free Negroes came to California during this period; future research may reveal that more free Negroes than slaves made the long journey West.

The long overland journey was a grueling experience for all travelers, but the sufferings of the Negro may have been greater than those of the white man because of his subordinate status. One account illustrates this possibility. Two men of an Alabama company had a quarrel and later, when one of them was away, the second took out his anger on the slave of the other. Fortunately, the men in the company protected the

---

5 Compendium, 29.
6 Ibid.
7 Not definitive, but based on an examination of several dozen accounts.
9 Ralph Bieber (ed.), "Diary of a Journey from Missouri to California," in 1849, Missouri Historical Review XXIII (1928), 35.
Negro from further harm.\textsuperscript{10} It is extremely unlikely that this was a unique occurrence. The presence of the Negro had a special meaning for some gold-seekers. One diarist noted that after leaving the artifacts of civilization his one reminder of his religion was the daily manifestations of faith quietly performed by a slave attached to the company.\textsuperscript{11} In another case, the evenings of the company were brightened by the singing of a group of Negroes.\textsuperscript{12}

When the Panama route to the gold fields transformed the Isthmus into a boom area, a great number of Jamaican Negroes thronged Panama; most of them hoped to find work on the portages. These Negroes had known slavery in the relatively recent past: the British Emancipation Act had ended slavery in Jamaica in 1838; Colombia abolished it in the Isthmus in 1852. These newly freed men were involved in frequent open clashes with the American immigrants regardless of their color. Attempts were made by these local Negroes to persuade American slaves to escape while they were still on the Isthmus. Some American Negroes were kidnapped for ransom by gangs that thought this might be a lucrative business. There were those who remained in the Isthmus to go into the hotel business.\textsuperscript{13} However, the average experience of the Negro crossing the Isthmus was perhaps that of the average white man. The case of James Williams, a fugitive slave, who virtually hitch-hiked a good part of the way to California and included the Isthmus in his itinerary is unusual.\textsuperscript{14}

The belief that most California Negroes of this period were slaves gains little support from the manuscript census. The county enumerations show that most Negroes came from Northern states and from those Upper South states that had immense free Negro populations. States like South Carolina,

\footnotesize
\begin{itemize}
  \item[11] Ibid, 56.
  \item[12] Diary, MHR, 35.
  \item[14] James Williams, \textit{Life and Adventures of James Williams} (San Francisco, 1873), 24-29.
\end{itemize}
Georgia, Alabama, and Mississippi contributed only a very small part of the Negroes who participated in the Gold Rush;\textsuperscript{15} Thus, there is the probability that many of the Negroes who arrived in California were free men. Many others undoubtedly came with the prospect of freedom. Slavery in the old South had long shown signs of deep decay as an economic institution, and many slave owners saw a last chance for income by permitting trusted slaves to go to the gold fields to earn their freedom.

Borthwick noted the presence in northern California of Negroes who had been given their freedom to go to the mines and of others who still were nominally slaves but who were working to buy their freedom. Daniel Woods noted that an old Negro belonging to the president of his company was promised his "freedom papers." Thomas Gilman, a Tennessee planter, promised his slave "Thomas Gilman" his freedom with money earned in the mines. "Thomas Gilman" had to pay several times before he got his freedom. Some Negroes hoped to earn enough in California to buy their mates back in the slave states. One such person was the Negro manager of the Frisbie Hotel in Sonoma whose wife was still a slave in Virginia.\textsuperscript{16}

The census also reflects certain other trends. Negroes from the Southern states were more numerous than Northern Negroes in the Mother Lode counties, throughout the decade, whereas in San Francisco, in 1860, the Northern Negroes outnumbered the slave-state Negroes.

San Francisco and Sacramento counties, because of their large cities, contained almost one-third of the state's Negro population. By 1860 San Francisco's Negro population of 1,176 was the largest; 468 Negroes lived in Sacramento. Most Negro San Franciscans of the 1860's lived in the first, second, and fourth wards, a roughly triangular area bounded by the

\textsuperscript{15} Ms. Returns, Population Schedules, Seventh Census, El Dorado, Sacramento and Tuolomne Counties; Eighth Census, El Dorado, Sacramento, Tuolomne and San Francisco Counties. (Microfilm, Bancroft Library).

Bay and by Washington and Larkin streets.\textsuperscript{17} The rest of the colored population was scattered throughout the state in widely varying numbers: there were eighty-seven Negroes in Los Angeles County and four Negroes in Klamath County.\textsuperscript{18} In some cities, such as Stockton, Grass Valley, Nevada City, and Marysville there were enough Negroes to establish churches of their own and to carry on a separate community life.

In the early days of the Gold Rush, the overwhelming majority of the Negro population was involved in mining. In El Dorado County, in 1850, eighty-six of 123 occupationally defined Negro men were classified as miners. In that same year, fifty-two of sixty-two Negroes in Tuolomne County were miners. This pattern of occupations was true of the other mining counties.\textsuperscript{19} It was also in these counties that the Negroes from the Southern states were a majority. This reinforces the impression that these colored miners were predominantly under the supervision of gold seeking masters or under obligation to gain their freedom in this occupation.

It has been noted that on occasion, when masters were gaining little gold from the hills of the Sierra or arrived in California a bit short of cash that they would hire out their slaves in menial occupations to gain some revenue.\textsuperscript{20}

Those Negroes in the mining counties who were not employed as miners were employed in various service occupations or as laborers, or quite often, as cooks. The manuscript census shows that there were great numbers of Negro cooks, many of whom were employed in restaurants or hotels or generally in the food dispensing business.

In San Francisco, in 1860, 463 Negroes of both sexes were occupationally classified, not including about 40 transient Negro seamen. Almost 20 per cent of the 463 Negroes were cooks. The remaining 80 per cent included waiters, stew-

\textsuperscript{17} Compendium, 29; William P. Humphreys, \textit{Atlas of the City and County of San Francisco} (Philadelphia, 1876), 7.
\textsuperscript{18} Compendium, 29.
\textsuperscript{19} Ibid, Ms. Returns, Seventh Census, El Dorado and Tuolomne Counties.
\textsuperscript{20} Eaves, \textit{A History}, 99; Ralph Friedman, “They Came as Bonded,” \textit{Fortnight}, Oct. 1955, 39; “To California through Texas and Mexico,” \textit{C.H.S.Q.} XVIII (1939), 244.
ards, porters, barbers, and sewing women as well as mechanics, businessmen, and many common laborers.\textsuperscript{21}

In Sacramento, in 1860, of the 151 occupationally classified Negroes, over thirty per cent were laborers, over twenty-five per cent were cooks, and the remaining forty-five per cent included stewards, porters, and barbers as well as skilled artisans and businessmen. For some reason, best explained by the individual differences between census takers, the Sacramento census reported eleven Negro prostitutes, and the San Francisco census reported only one.\textsuperscript{22}

In the mining counties, in 1860, mining remained the chief occupation among Negroes, but it had decreased in importance; Negro artisans, cooks, and barbers had begun to establish their places in the community.\textsuperscript{23}

Despite the unsettled character of the decade of the Gold Rush, organized life began to take shape for the Negro as it did for other Californians. Schools of a rudimentary character, churches and family life began to develop. The over 130 Negro families in San Francisco comprised more than half of San Francisco's Negro population, and in Sacramento there were at least sixty Negro families. There was a marked tendency for Negro families to live within a definite area in a city; for instance, the Second Ward was the residential area for Negro families in San Francisco.\textsuperscript{24} In the mining counties, the small Negro populations were composed of unmarried men.

By 1860, the colored population had made its contribution to the native-born population; there were several hundred California-born Negro children. San Francisco, alone, had accounted for 84, Sacramento had 51, and Eldorado and Tuolomne counties had 24 and 25, respectively.\textsuperscript{25}

The manuscript census occasionally lists a mixed marriage; careful examination of these listings gives the historian some insight into the racial attitudes of the period. In

\textsuperscript{21}Ibid, Ms. Returns, Eighth Census, San Francisco County.
\textsuperscript{22}Ibid, Ms. Returns, Eighth Census, San Francisco County and Sacramento County.
\textsuperscript{23}Ibid, Ms. Returns, Eighth Census, El Dorado and Tuolomne Counties.
\textsuperscript{24}Ibid, Ms. Returns, Eighth Census, San Francisco and Sacramento Counties; Humphrey's Atlas, 7.
\textsuperscript{25}Ibid, El Dorado, Tuolomne, Sacramento and San Francisco Counties.
these marriages the Negro husband-white wife combination occurred as frequently as the white husband-Negro wife. In most cases, the white spouse was originally from a country in Europe or from the British Isles. White spouses who were Americans were usually of Southern origin. These mixed marriages were most often found in the mining counties, and very few are noted in the San Francisco or in Sacramento census, which strongly suggests that these couples sought a degree of isolation. Their geographical location in the census sometimes does hint that the couples in these marriages sought, or at least found themselves in the neighborhood of, Chinese miners where public opinion was least likely to disturb them. The fact that prejudice had not affected the Chinese can be deduced from the fact that the census reported Chinese servants in Negro households in San Francisco.

California was often described in those years as a land where every man stood on his own individual merits and where a man's former social class or his origin was of no matter. While this is a highly idealized image of the egalitarian atmosphere of the state in the Gold Rush Era, there was a degree of truth in it. It was certainly true for most of the relations between white men of Anglo-Saxon origin, and there is some evidence that the democratic conditions of pioneer life in California during the Gold Rush also affected Negro-white relations.

The English traveler and gold seeker, J. D. Borthwick, touched on the basic ingredient in this pioneer democracy when he wrote, "The almighty dollar exerted a still more powerful influence than in the old states, for it overcame all pre-existing false notions of dignity." Borthwick observed this, particularly in the matter of white men serving food to Negroes and permitting them to lose their money alongside of white men at the gambling tables in the mining towns. In Marysville, a saloon called the "Round Tent," advertised in the local directory that it welcomed customers, "with no

26 From research that I have done in the census of Southern rural counties in the course of other investigations, I believe that these couples were most likely the common-law combinations that one occasionally detects in the ante-bellum enumerations.

27 Ibid, passim.

28 Borthwick, Three Years, 135.
regard to distinction of color."29 One Mississippian noted with distaste in his journal that free Negroes in the gold fields were quite insolent.30 Goldsborough Bruff recorded an incident where three white men and a Negro named Andy went off together on a spree involving the collective seduction of an Indian woman. Andy was associated with a party in which he was prospector, hunter, baker, and cook.31 A less successful attempt at rape in Stockton by three Negro men resulted in a public lashing. In the South these men would have been hanged or lynched. On the other hand, their getting off with their lives may have been a local variety of race prejudice. The woman involved was Chilean.32

Bishop Kip also noted the effect of mining life on the position of the Negro. In his Sketches, he wrote that "A Negro cook is one of the most independent men alive. Being a rather scarce article, he can act pretty much as he pleases . . . and he is allowed to enter into certain familiarities, which would ensure him a cowhiding in almost any other part of the globe."33 One senses this independence again in the Stoutenburgh (Calif.) Negro laundryman who told his customers when they called for their clean garments to go and pick them out themselves.34

In the urban areas of California something similar was taking place. In his column of city items, the editor of the Daily Alta California made the following observation: "What a change has California wrought in the organization and feelings of society. We were very much amused yesterday at seeing a gentleman of the colored persuasion, decked in a full suit of broadcloth, and sporting a gold watch and chain, standing on the square having his boots blacked by a good-looking white man."35

32 Bayard Taylor, El Dorado (New York, 1949), 76.
33 Leonard Kip, California Sketches with Recollections of the Gold Mines (Los Angeles, 1946), 51.
34 Gerstaecker, Friederick, California Gold Mines (Oakland, 1946), 89.
35 Daily Alta California, Feb. 1, 1851, 2.
This item is probably best explained by the observation made by Borthwick that a great many recently arrived Frenchmen went into the bootblackin business to save up a stake for the expenses of heading for the mining country.\textsuperscript{36} Many Frenchmen of this period were refugees of the ill-fated 1848 revolution and were likely to be quite free of race prejudice.

Many Southerners were undoubtedly displeased by the freedom which the Negro enjoyed in California. One Southerner decided to take his slave back to the South because, as he put it, he was "getting drunk and doing as he pleased," while associating with free Negroes. The slave, incidentally, refused to go and the result was a street brawl between master and slave creating a scene that would have been most unlikely 3000 miles east and south of the Mason-Dixon line.\textsuperscript{37}

In San Francisco, tolerance toward the Negro had been quite general from the earliest days of the Gold Rush period. Daniel B. Woods preached in the open air to an audience that contained Negroes.\textsuperscript{38} The same mingling of peoples took place in what was called Washerwoman's Bay in 1851—a small lake between the city and the Presidio. As the \textit{Daily Alta} put it, "Women of every clime and color are kneeling down along the bank engaged in the pious work of washing."\textsuperscript{39} As time went on Mexicans and Negroes began to meet socially. During the pre-Christmas season of 1854, they organized a masquerade ball which took place on Kearny Street. Unfortunately, the notice does not reveal the actual sponsors, and it is only reported because the police had to break up a fight during the festivities and make some arrests.\textsuperscript{40}

The churches of the Negro grew slowly during this period. The denominationally affiliated California Negro was either a member of the African Methodist Episcopal Church or the Baptist Church. By the early 1850's, Negro communities had established two A.M.E. churches and one Baptist

\textsuperscript{36} Borthwick, \textit{Three Years}, 38.
\textsuperscript{37} \textit{Daily Alta}, Feb. 16, 1850.
\textsuperscript{38} Woods, \textit{Sixteen Months}, 65.
\textsuperscript{39} \textit{Daily Alta}, Feb. 14, 1851, 2.
\textsuperscript{40} Dorothy Huggins, compiler, \textit{Continuation of the Annals of San Francisco} (San Francisco, 1939), 26-7.
church in San Francisco and one A.M.E. church in Sacramento. By the end of the decade the Negro Baptists had established churches in Stockton, in Marysville, and in Sacramento; and Negro A.M.E. churches could be found in Stockton, in Marysville, and in Grass Valley. The congregations of these churches were never very large. The largest were those of the San Francisco Baptist Church and of the two A.M.E. churches of San Francisco, and they were the centers of organized Negro life in the state. They provided much of the leadership for civil-rights activities and through them Negro children obtained their first educational opportunities.

A number of the ministers were well-educated and came to the West with experience in church work. They were tireless in their efforts to establish churches in areas throughout the state wherever Negroes were numerous enough to provide congregations.

Little is known of the work of the white denominations among the Negro population before the Civil War. The Unitarian minister Thomas Starr King is known to have been friendly to them and to have facilitated the purchase of his church building by the A.M.E. Zion church when his congregation moved into larger quarters during the Civil War period. But it is not known whether Unitarians invited Negroes to their church before his arrival. The Methodist Episcopal Church was perhaps the only denomination to do mission work among Negroes, and this effort yielded extremely modest results and then only after the Civil War. White efforts in this direction were not likely to be too successful because of the strong desire of the Free Negro to have independent churches. This sentiment was based on a movement.

41 Minutes of a Baptist Convention (San Francisco 1860), 22; Proceedings of the California Baptist State Convention (San Francisco, 1867) 11. Minutes of the Third Anniversary of the San Francisco Baptist Association (San Francisco, 1853), 36. See Sue Bailey Thurman, Pioneers of Negro Origin in California (San Francisco, 1952) 23-36, for most of the material on the A.M.E. churches. For more fragmentary material, see John Frederick Morse, The First History of Sacramento City (Sacramento, 1945), 111, 115 and Journal of the African Methodist Episcopal Convention (San Francisco, 1863), 28, 29.

42 Thurman, Pioneers, 30.

that had its beginnings before the turn of the century. It had its roots in the Free Negro's revolt against second-class status in religion.

The first schools for Negro children were the work of the churches. Classes were conducted in the church itself or in the basement, but the Negro community was always working for the time when it could build a separate school. Records of Negro attendance in California schools are unsatisfactory for the period before the Civil War, because it was not until 1874 that Negro children were integrated into the California public school system. However, by 1860 there were close to 200 students enrolled in the state's schools, and, if San Francisco records are a guide, the average daily attendance of Negro students was only slightly less than that of white students.

Public school systems, even before 1874, were gradually assuming some of the financial responsibilities for Negro education and were even building separate schools for colored children in answer to the petition of Negro communities. In the work of promoting schools and in then gaining public support for them, Massachusetts-born Rev. J. B. Sanderson was a central figure. He sought out teachers for these schools, and he maintained a steady pressure on local school boards to build schools for Negro children. His reputation as a teacher was so well-known among California Negro parents that they wanted to have their children enrolled in any school in which they knew he was teaching.

The legal position of the Negro in California is the background for one of the most interesting developments in the pre-Civil War period. The 1849 constitution had outlawed slavery with little debate over that question. The pro-slavery element presented the arguments already made famous in the debates over the Wilmot Proviso. However, its position had little support because a great many Southerners at the convention who cared little for the slave but even less for slav-

44 Henry G. Langley, San Francisco Directory (San Francisco, 1858), 374; Thurman, Pioneers, 37-41.
45 Report of the Superintendent of Common Schools, San Francisco Municipal Reports 1859-60 (San Francisco, 1860), 64.
46 Thurman, Pioneers, 38-40.
JOURNAL OF NEGRO HISTORY

ery joined forces with the others to make California a free state.48 Hopes of eventually bringing slavery to the West, however, did not die there. When the southern counties of the state organized movements to separate from the rest of the state because of economic discrimination, pro-slavery elements had hopes that this might be slavery's wedge to establish itself on the West Coast.49 And, when the elections in 1854 seemed to favor the pro-Southern element in state politics, the Southern planter-class journal, DeBow's Review, greeted it with elation. The Review reported a statement from a Richmond, Virginia, paper as follows: "Happily, the result of the recent election is not altogether disastrous to the South... The unseen but active issues between these factions is, whether the southern portions of California shall be organized into a separate state with a constitution recognizing and establishing slavery... Southern California is peculiarly propitious to negro labor."50

Many Southern planters were undoubtedly stimulated by the glowing reports of California's agricultural possibilities that appeared in innumerable issues of DeBow's Review. At one time in the 1850's the state legislature was presented with a Memorial from a large group of Southern planters asking for special permission to come to California to cultivate its soil.51 This was never granted. One Virginia-born California legislator seriously suggested that, since poison oak was such a serious problem in the state, slaves should be considered for work in agriculture.52

While slavery never took root in California through agriculture, it lingered as a legal problem because the anti-slavery constitution failed to provide for the problem created by the presence of those slaves brought before the constitution was adopted (not to mention those brought afterwards). This left each case to be decided by local judicial sentiment as it came up. It would be hard to say how many cases gave the Negro freedom and how many returned him to slavery.

49 Eaves, 91-4.
50 DeBow's Review XVII (1854), 613.
51 Eaves, 92.
52 Ibid, 91.
There were well-publicized cases that resulted in both kinds of decisions. Cornelius Cole recalled that most of the legal talent of Sacramento favored the slave-owner and that he and Judge Crocker seemed to be the only friends of the Negro.\textsuperscript{53} However, throughout the state and in San Francisco there were friends of the Negro in the legal profession and in politics. Outstanding in their friendliness to the Negro were Colonel E. D. Baker, Republican lawyer, and David Broderick, Democratic political leader.

While state law did not protect slavery, neither did it free the slave. Negroes who wished to gain their freedom in California had to hope for a favorable interpretation of the law. Judges in the state who ruled unfavorably for the Negro cited the National Fugitive Slave Law and in some cases used language that anticipated the Dred Scott Decision.\textsuperscript{54}

California, in fact, passed its own fugitive slave law in 1852.\textsuperscript{55} This was done to counteract the interpretation of some judges that the federal Fugitive Slave Law did not apply to masters who tried to force the return of their slaves to the South.\textsuperscript{56} It must be remembered that the federal law was designed to catch runaway slaves, and it was obviously extremely unlikely that the Underground Railroad was transporting runaway Negroes to California in the 1850's.

The fugitive slave issue kept the Negro community in a constant state of uncertainty, but this particular anxiety ended with the fantastic Archy Lee case. Archy Lee was brought to California in 1857 by C. V. Stovall, who claimed to be a transient in order to retain his possession of the slave. When Stovall took employment, free Negroes correctly advised Archy that the white man had lost legal claim to him. Archy tried to win his freedom and Stovall fought the case to the state supreme court where the pro-Southern judges handed down the amazing decision that Archy was within his rights but, since this was the first case of its kind, Stovall would be permitted to return Archy to slavery. The resulting uproar in the state was tremendous, with ridicule being

\textsuperscript{53} Memoirs of Cornelius Cole (New York, 1908), 94.
\textsuperscript{54} Ibid, 96.
\textsuperscript{55} Statutes of California, 1852, 77.
\textsuperscript{56} Eaves, 94-5.
heaped on the state supreme court from even its friends. What followed reads like fiction and is too detailed for elaboration here. Suffice it to say that Archy, enroute home to the South with his owner, had to go through San Francisco, and there the most elaborate preparations were made to free him. After a series of dramatic events, Archy and his master came before a federal official in San Francisco who freed him. After this decision, with the immense amount of support that the white community gave Archy, California Negroes felt less terrified about the Fugitive Slave Law.57

In 1857 the state legislature considered a bill to restrict free Negro immigration to California.58 This was not the first attempt of this sort. Burnett, Wozencraft, and others at the Constitutional Convention tried to exclude Negroes. This failed in 1849,59 but legislators, with prejudices based on Eastern conditioning, proposed exclusion again. The proposal became a bill that resulted in some interesting debate and maneuvering. The dilemma that faced the legislators, who listened to arguments that lacked reality in California, is well demonstrated by the remarks of DeLong, a mining county legislator. He said, "... it has become a stinking thing . . . I do not want to vote against a bill of this nature; but I cannot tolerate this proposition at all. I believe that a negro is a human being. I believe that under the operations of this bill, negroes coming into this State may be made slaves for life.'60 The bill was defeated by a vote of 30 to 32 in the same session that it was proposed.61

The most interesting and illuminating campaign conducted by California Negroes in this period was that involving the Right of Testimony. While the Fugitive Slave Act and the exclusion bills drew their protests and indignation, nothing mobilized their concerted statewide actions more thoroughly than their demand for the right of testimony in cases involving white persons. The persistence of the California

57 There are several versions of this story. The best concise one is Eaves, 99-103.
58 Journal of the Assembly, Eighth Session (Sacramento, 1857), 811.
61 Journal, 824.
Negro in this campaign reflects a number of elements peculiar to California in this period. First, the turbulence of society in California at this time placed life and property in constant jeopardy. Second, the Negro population had accumulated more wealth in a shorter period of time in California than anywhere else in the nation. And, third, Negro leadership was well-organized, well-educated, articulate, and possessed a great deal of unity, especially on this question. There is evidence that some of the leaders had had organizational experience in the Eastern states. Some of them were Oberlin graduates. J. B. Sanderson, already noted for his efforts in organizing schools for his people, had worked in the Abolitionist Movement with Frederick Douglass in the Eastern states in the early 1840’s.62

The movement began in 1852 through the organization of the Franchise League. This was prompted by a court case involving the murder of a Negro barber by a white man and the rejection of a Negro witness’s testimony.63 The Franchise League organized a petition campaign to change the law in regard to Negro testimony in court, and this petition was presented to the state legislature; only one legislator voted to receive this petition.64

The Franchise League, which had been primarily a San Francisco organization, proceeded to lay the groundwork for a statewide organization of California Negroes. This led to three “Colored Citizens Conventions,” held in 1855, in 1856, and in 1857; the first two were held in Sacramento, and the last was held in San Francisco. From the first, these gatherings determined to devote themselves to the one problem of the Right of Testimony. A temperance resolution offered at the 1855 gathering by a minister was rejected as irrelevant to the purposes of the convention. Not declared irrelevant was a financial progress report of the Negro in California which announced that in six years Negroes in California had accumulated wealth totaling $2,375,000. It is clear from this that the Negro felt a need for legal defense of

63 Beasley, _Negro Trail Blazers_, 54.
64 _Journal of the Assembly_, Third Session, 395.
his growing assets as important as the legal rights to guarantee full citizenship.

There were 49 delegates to this convention, representing 10 counties, with the largest delegations coming from San Francisco and Sacramento. The convention received friendly letters from several newspapers. It concluded with the decision to intensify the petition campaign among white Californians.

During the following year, petitions were presented to the state legislature from San Francisco, Sacramento, and El Dorado counties by their elected representatives. Even a San Francisco County grand jury report recommended a change in the testimony laws. All these petitions were referred to the Judiciary Committee where they apparently died.

In the winter of 1856, the second "Colored Convention" met again. Now there were 61 delegates representing 17 counties. This meeting seems to have been the best-reported and most fully recorded, and one can gain a fuller idea of the sentiments expressed. With pride one delegate reported that Negroes in his country had $300,000 in mining claims. He went on to say,

"... we are showing our white fellow citizens that we have some natural abilities. ... We intend to disprove the allegation that we are naturally inferior to them."

Another delegate, in a shrewd as well as eloquent appeal to white sensibilities, exclaimed,

"Why have we convened together? Because the law, relating to our testimony in the courts, is but a shadow. It affords no protection to our families or our property. I may see the assassin plunge the dagger to the vitals of my neighbor ... I may overhear the robber or incendiary plotting the injury or utter ruin of my fellow-citizen ... The robbery may follow, the conflagration may do its work, and the author of the evil may go unpunished because only a colored man saw the act or heard

---

65 Pacific Appeal, April 12, 1862, 2; Sacramento Daily Union, Nov. 21, Nov. 23, 1855.

66 Daily Union, Nov. 21, 1855.

67 Journal of the Senate, Seventh Session, 488, 496, 559; Sacramento Union, Dec. 10, 1856, Letter to the Editor.

the plot. Under these circumstances who are not really injured and lose by the law?... Is it not evident that the white citizen is an equal sufferer with us? When will the people of this state learn that justice to the colored man is justice to themselves?69

This kind of argument was apparently not without its effect. Five hundred white citizens, in San Francisco alone, petitioned the legislature to change the law.70 The following year saw white petitions supporting this issue presented to the legislature from seven counties.71

The depth of feeling at this convention is further illustrated by a debate over a general resolution involving the free Negroes' feelings towards the United States. A resolution had included the sentiment that Negroes would under all conditions come to the military aid of the country. A number of the more militant delegates rose to take exception, one of them saying,

"I would hail the advent of a foreign army upon our shores, if that army provided liberty to me and my people in bondage." Another said, "I love the land of my birth and hail its progress in the right; but the laws that sustain her slave pens and her prisons, her auction blocks, and the selling of human beings... I hate them."72

How the delegates actually felt about these remarks remains obscured in the confused resolutions that followed. Perhaps this was deliberate because there were those who felt that these remarks clouded the main purpose of the convention and would not further the Negro cause. While the press did report this convention,73 apparently these remarks only appeared in the convention proceedings.

At the 1857 convention, 55 delegates came representing 17 counties. The previous year had produced more petitions, more favorable comments in the press. But still no change was made in the law.74 It must have been a rather discouraged group that met. The Dred Scott decision had been handed down that year and the delegates resolved against

69 Ibid, 9.
70 Beasley, 56.
71 Journal of the Senate, Eighth Session, 285, 294, 337.
72 Proceedings, 14, 15.
73 Daily Alta, Dec. 12, 1856; Sacramento Union, Dec. 11, 1856.
74 Pacific Appeal, April 12, 1862, 2.
There was talk in the air of a mass migration to British Columbia or to Mexico. The gathering resolved to continue the Right of Testimony petition campaign, but what actually happened in the next few years is rather obscure. In the early 1860's some of the San Francisco merchants wanted the Chinese to have the right of testimony but, as one contemporary noted,

The question is too much mixed up with that relating to Negroes to be settled on its own merits. It would scarcely do to allow the Chinese coolie to testify against a white man and to refuse the same privilege to an intelligent Negro.

Under the impact of the Civil War, the effort to change the testimony laws finally became a bill, but it was defeated in 1862. Not until 1863, after the Emancipation Proclamation, was the California Negro granted the legal right to testify in cases where white men were defendants.

Research suggests that selective processes were at work that brought a larger group of energetic and educated Negroes to California during the Gold Rush than might have been found in the Negro populations of the East and the South. Even allowing for the supposed docility of the slave, owners would have been inclined to bring their brighter slaves to the new and unpredictable conditions of the West. Those slaves who used this opportunity to gain their freedom by purchase or otherwise were obviously persons of spirit and energy, and a large number of the free Negroes were persons of ability and daring who saw in California a new land that held great promise for the Negro race.

San Mateo, California  

Rudolph M. Lapp

---

75 Ibid.  
76 Beasley, 78; Mifflin Wistar Gibbs, Shadow and Light (Washington, 1902), 59; Eaves, 103.  
77 Appeal, April 12, 1862.  
80 Statutes of California, 1863, 69.