

RECEPTION OF CHINESE IMMIGRANTS IN CALIFORNIA DURING THE GOLD RUSH PERIOD 1848 — EARLY 1852

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Some reports reveal that reception of Chinese immigrants during this period was generally good. They were highly valued as general laborers, carpenters and cooks; the restaurants established by them were well-kept and extensively patronized. The editor of San Francisco's *Daily Alta California* in 1850 wrote warmly of Chinese as "very useful, quiet, good citizens ... deserving the respect of all."¹ Both Governor John McDougal and his predecessor, Governor Peter Burnett, favored Chinese immigration. McDougal once called the Chinese "one of the most worthy classes of our newly adopted citizens".² He even expressed a desire for further Oriental immigration. Before leaving office in 1852, McDougal recommended a system of land grants to induce the further immigration and settlement of the Chinese.³

Mayor Peter Geary of San Francisco invited the Chinese to participate in important state celebrations. One such instance was the celebration of the admission of California into the Union in 1850. Justice Nathaniel Bennet, in welcoming the Chinese with other foreigners, said:

Born and reared under different governments and speaking different tongues, we nevertheless meet here today as brothers ... You stand among us in all respects as equals. Henceforth we have one country, one hope, one destiny.⁴

The Chinese also took part in the funeral services commemorative of the death of President Taylor, where they were assigned a prominent position.

During that early period, San Franciscans generally welcomed the Chinese immigrants. Senator George B. Tingley in March 1852 introduced the "Coolie Bill" to authorize the state to contract and supervise Chinese labor on a ten-year basis to fill the gap created by the labor shortage.⁵ The *Daily Alta California* of May 12, 1852, remarked optimistically: "The China boys will yet vote at the same polls, study at the same schools and bow at the same altar as our countryman."

Despite all the praise and the participation of Chinese in state ceremonies, it is nevertheless questionable whether Chinese immigrants during the period mentioned were really welcomed! It

is necessary to note that the Chinese were entering a society of Anglo-Americans, a society which had been engaged for 200 years in a murderous struggle with the indigenous peoples of North America, first for survival, then for occupation and conquest. Besides that, the Chinese were also facing contacts with the various groups of European immigrants, some of whom were displaced persons in their home countries and the majority of whom regarded Orientals as racially inferior. In 1849, simultaneous to the arrival of the first Chinese in San Francisco, California's newly written constitution defined the state as a white California. Naturalization, it was assumed, would only be conferred upon members of the white race and suffrage was granted to "white" male citizens of the United States.⁶ Two years later Section 14 of the Criminal Act excluded non-white persons, not only from participation as citizens in California's political life, but from justice as well: "No black or Indian shall be allowed to give evidence in favor of or against a white man."⁷ Even as early in 1851 a California official wrote that the vast Chinese immigration from 1849 to 1851 was harmful to the moral and material development of the country.⁸

There are several other factors why the assertion that Chinese were welcomed during that period is questionable. There was a strong nativist movement during that period. The movement focused on the exclusion of non-European foreigners and the Chinese were part of that foreign population.⁹ The discriminatory laws set by the miners and the Foreign Miners' Taxes were not only levied on the Latin Americans but on the Chinese as well. Did the Chinese really escape from those pressures? At first, Chinese settlements in San Francisco were rather dispersed: though they had a large grouping around the intersection of Sacramento and Dupont, there were settlements of fishermen and launderers at Rincon Point and Washerwoman's Bay.¹⁰ But what instigated them to move to Dupont Street and Sacramento Street by the end of 1851? In order to find the explanation for these it is necessary to study the history of the state to that point, the nature of the white population, the economic and social climate and the political situation during that period. Each aspect had a bearing on the reception of the Chinese.

THE ANGLO-AMERICANS IN CALIFORNIA

American settlements in California started in the early 1840s at a time when Mexican rule was decaying. These included fur traders, merchant whalers, farmers and adventurers. They had dubious loyalty toward the Mexican administration. President James Polk declared war against Mexico on May 13, 1846.¹¹

Meanwhile on June 6, 1846, the American settlers organized a rebellion under John C. Fremont and awakened the Mexican Governor General Mariano Vallejo at his home in Sonoma. They announced the establishment of a new "Yankee Republic" and put the Mexican Governor under arrest. The settlers had already declared the Bear Flag Yankee Republic before the arrival of the United States forces.

The United States employed only a few troops for the conquest. According to one authority, as of April 1847 there were only 1059 soldiers in California.¹² This is less than 6 per cent of the military personnel on active duty in the Union during that year.¹³ The number dropped in the following year to about 600 officers and men.¹⁴ This decline must have been due, in part, to the large-scale desertions which occurred as military personnel switched into gold mining.¹⁵ In less than two years the war was over and the Treaty of Peace, Friendship, Limits and Settlement, between the United States of America and the Mexican Republic was signed on February 2, 1848.¹⁶ This document, often referred to as the Treaty of Guadalupe Hidalgo, added to the Union more than 500,000 square miles of land embracing California, Nevada, New Mexico, Utah and most of Arizona.

Meanwhile, the news of the discovery of gold was disseminated in California by the two most prominent papers, the *Star* and the *Californian*.¹⁷ Slowness of communication and transportation delayed the spread of the news. For example, it was not until July that the news reached the neighboring territory of Oregon.¹⁸ Official information along with samples of gold reached the eastern shores of the Union during the latter part of 1848. The news was published in the New York *Herald* and in President Polk's message to Congress of December 5, 1848. By December 23, the President's message reached France.¹⁹ Ports in the Pacific got the news through Honolulu, which was a clearing house for all types of merchandise including, subsequently, California gold.²⁰ Meanwhile as the news spread to all parts of the world, what was claimed to be California gold nuggets were piled up in the windows of banking houses for the public to see. The effect of these developments was that as the news spread outward from Coloma, Sacramento, and San Francisco, gold hunters moved to these centres. Thousands of Americans from the eastern shores of the Union came to California. Had the cost of transportation been lower, there would have been even more people leaving for California.

The most common form of travel to California from the east coast was by sea. This required about two months for the 5,500 miles. It was undertaken in three stages: from New York to the

shore of the Isthmus of Panama, overland across Panama, and by sea to San Francisco.²¹ Quoted fares per person for the first stage ranged from \$80.00 to \$150.00;²² the second lap cost around \$30.00; while the remaining ride cost from \$400.00 to \$1,000.00. The variation in these fares was due to conditions of the demand for, and the supply of, transportation facilities.²³ For example, during the initial phase of the rush to California, when the demand for transportation was highest fares on record. The alternate route, entirely by sea, for which no quoted fares are available, required from four to eight months and took the individual 17,000 miles around Cape Horn. This route was understandably unpopular.

Other alternatives for getting to California were through overland routes. In a memorial to the Congress of the United States, the California Senate estimated that, starting at the Missouri River, the immigrant in California incurred an expenditure of not less than \$2,000.²⁴ In addition, overland travel had its share of dangers, which included death from disease, starvation, bear and Indian attacks, etc. Often travellers found that those who preceded them had deliberately set fires to the brush and grass. The progress of these latter parties was hindered as they were forced to undertake lengthy detours.²⁵

However, the picture is quite clear. The first immigrants from the east coast to California after the gold discovery arrived by sea. It was the least costly method. Some however, came either from locations distant enough from eastern shores as to prevent their taking advantage of the sea route, or from locations near enough to California. They came overland. Because of the hazards of overland routes, some of which are mentioned above, immigrants were motivated to form companies or parties with selected leadership for the trip. On reaching California, these companies were disbanded.²⁶

Obviously, given their proximity to the gold territory, Californians were the first to arrive on the spot. It took about four months for the male residents to desert settled communities of the state.²⁷ Thomas O. Larkin, former United States Consul to California, noted in a letter to James Buchanan, Secretary of State, that, "Law, Gospel and politics are beginning to be obsolete in the great eagerness to obtain a share of the placer".²⁸ The effect of these developments was a concentration of the population along the streams and canyons of the Sierra Nevada.

THE SOCIAL AND POLITICAL CLIMATE IN CALIFORNIA'S GOLD (MINES)

With the spread of the news on the discovery of gold around the world, nationals from outside the Union began to arrive in late

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1848²⁹ Most of the earliest arrivals were from Latin American countries, especially from Chile and Mexico. There were also contributions from Australia until 1851 when gold was discovered there.³⁰ The Gold Rush roughly coincided with the failure of revolutions all over Europe. Thus political and economic dislocation in Europe, especially in Ireland, helped make California an attractive place for those who could afford the cost of transportation. Nevertheless, immigration into California was overwhelmingly by United States citizens, as shown in Table 1. This excludes those who came by overland routes as there are no statistics available on them.

**Table 1. Immigration into California April 12, — December 31 1849
As Reported By The Harbor Masters' Office At
San Francisco**

Date	Americans	Foreigners	Males	Females	Total
Apr. May & June	3,944	1,942	5,677	209	5,886
July	3,000	614	3,565	49	3,614
August	3,384	509	3,806	87	3,893
September	4,271	1,531	5,680	122	5,802
October	2,655	1,414	3,950	119	4,069
November	1,746	490	2,155	81	2,236
December	3,069	500	3,436	133	3,569
Total	22,069	7,000	28,269	800	29,069

Source: *Daily Alta California*, November 29, 1849 and January 31, 1850.

Based on some of the available sources, an estimate of the total population and mining population during the rush period is indicated in Table 2.

Table 2. Estimate of Total Population and Mining Population in California Between 1847 and 1853

Year	Total Population	Mining Population
1847	15,000 – 18,000	not available
1848	15,000 – 18,000	May 800 July 2,000 + October 10,000
1849	Jan. 26,000 Dec. 112,000	15,000 almost 106,000
1850	Jan. 107,000 Dec. 122,000	almost 112,000
1851	Apr. 127,567	not available
1852	Jan. 199,695	119,917
1853	Jan. 300,000	almost 130,000

+ Excluding native Indian population.

It is not possible to state the exact population of California in the mining regions during the period of the Gold Rush. This was because the census was taken under very difficult conditions. People moved about continually and many were in out-of-the-way places, often overlooked by the census agents. Early in June, 1848, Thomas Larkin estimated that there were already 2,000 miners, mostly foreigners, in the mines, one-half of which were on the banks of the American River.³¹ In July of the same year Governor Mason toured the mining areas and stated that there were 4,000 miners working on claims. Thomas B. King, special agent to California, gave the population in the mines as 15,000 in July 1848.³² An observer estimated that in the middle of 1848, there were 7,500 Hispano-Americans and 6,500 American miners, with a sprinkling of foreigners, consisting chiefly of Mexicans and Hawaiians. By the end of 1849, the population of California in the mining region was around 106,000. The number of whites at the end of that year was less than 100,000.³³

Most of the American citizens were late-comers. This delay was to significantly affect the measures undertaken by United States citizens to secure monopoly benefits to the exclusion of non-citizens. Indeed, as early as April 1849, *the Daily Alta California* reported that the feeling was very general among the Americans and Californians that foreigners should not be allowed to dig for gold.³⁴

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American miners, besides being late-comers, were also unskilled miners. An observer wrote that:

The luckiest miners were always the Mexicans and South Americans. Unlike many others they knew what to do and what to expect. They possessed all the qualities which insure success skill in prospecting, quick eyes for gold bearing formations, rapidity in extracting or washing auriferous earth, and great industry and patience.³⁵

The relative disadvantage of the American citizens was partly responsible for their resentment against the other groups, who were conveniently labelled by them as foreigners. They regarded every man but a white American as an interloper, who had no right to come to California to pick up the gold.³⁶ Sheer economic jealousy, therefore, brought on the first xenophobia.

General stability in California, especially in the northern portion of the state, was hazardous because of a breakdown of the temporary government. The army was too weak to impose its will upon the vast, mobile and individualistic male population.³⁷ There was large scale desertion by troops as well as by sailors from ships in port.³⁸ Desertion continued to be a serious problem for several years. When soldiers were paid about \$7.00 a month, or a daily equivalent of about 23 cents,³⁹ the prospects of making hundreds of dollars a day or a week in mining were powerful incentives for desertion. Congress, which theoretically retained full constitutional authority over the public domain, was too preoccupied elsewhere to formulate consistent policy. There is unanimous agreement among observers and historians about the social climate of California at that time. It was a wild, sparsely inhabited, lawless frontier, given to frequent outbursts of temper and belligerency, helped along by drink and gambling losses.⁴⁵ Fights, murders and cruelty were commonplace.⁴⁰ In such a situation how did the Americans establish their monopoly of the gold mines? And how were the Chinese and other foreigners received?

In the mining regions American miners set their own system of administration to meet their respective needs: concerning mining claims, enforcement of gold mining rights, resolution of conflict and security. In some cases the system was different from one mining area to another. American miners had their own courts and jury system; it was said that a jury of miners was the highest court beyond whose decision there was no appeal.⁴¹ The most common penalties included death by hanging, banishment, whipping, maiming, branding, private violence or a combination of these measures.⁴²

There was a general feeling throughout the mining districts, against any interference by state authorities or courts in the business of mining camps. As state government machinery improved its effectiveness over the years, the American miners increasingly warned state authorities and courts to keep out of mining camp jurisdiction. For example at Horseshow Bar, on April 20, 1851, a mass meeting passed a resolution stating that miners did not recognise the jurisdiction of formal courts and would resist any attempts to extend such jurisdiction.⁴³ They believed that their camps had adequate machinery to handle their own problems. Their opposition to the state's involvement took the forms of either non-cooperation with state officials or by direct intervention in the processes of formal legal institutions.

EARLY TREATMENT OF UNDERSIRABLE FOREIGNERS

During the initial phase of the Gold Rush, efforts to monopolize the rights to mining claims and to expel undesirable foreigners were established by physical appropriation and enforced by private violence. Miners' committees passed resolutions against foreigners and enforced them with arms. At the same time, an attempt to cope with immigration was also made by the army, but this proved unsuccessful.⁴⁴ Military Governor Richard B. Mason advised Washington that although some of the immigrants were obnoxious, he saw no way to keep them out, and was following an expedient policy of laissez-faire immigration. But his successor, General Persifor F. Smith, while traveling from Panama to California in January, 1849, was prevailed upon by a mass meeting of Americans at the Isthmus port to stop Pacific immigrants from crowding into American ships. Smith issued a circular to all American consuls in Pacific ports declaring that in California he would "consider everyone, not a citizen of the United States who enters upon public land and digs for gold ... a trespasser."⁴⁵ In a letter to W.L. Marcy, Secretary of War, dated at Panama January 18, 1849, he declared:

I am partly inclined to think it would be right for me to prohibit foreigners from taking the gold, unless they intend to become citizens. I cannot decide until I arrive there and learn the disposition of the people.⁴⁶

The government did not endorse Smith's views, and the short duration of his command in California⁴⁷ made it impossible for him to carry out any plan in regard to action against the "trespassers", but the sentiments he had expressed did not go unheeded. An American, forced to remain in Panama longer than he desired to, in a letter to the *Panama Star* called upon his future

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American neighbors in California to prepare to aid General Smith in dealing with foreign element. He declared that,

If foreigners come, let them till the soil and make wards or do any other work that may suit them, and they may become prosperous, but the gold mines were preserved by nature for Americans, only, who possess noble hearts, and are willing to share with their fellow-men more than any other race of men on earth. We will share our interest in the gold mines with non but American citizens.⁴⁸

The proclamation of General Smith served to provide the "Hounds" of San Francisco with an excuse for robbing the foreigners from Pacific coasts and the Chinese.⁴⁹

The proclamation also inspired the Americans to take drastic actions against foreigners to exclude them from the mines. In many mining districts laws were passed which excluded foreigners from the districts or which in some way limited their activities in the mining regions. The members of the Latin races and the Chinese were particularly distasteful to the Americans and they were blamed for any trouble or disturbance, whether they were guilty or not. These laws were, during the first years, passed in the northern district, particularly, where the Latin Americans and the Chinese were greatly outnumbered by the Americans; but in southern mines also, similar laws were passed when the Americans became more numerous.

Discrimination against the foreigners continued; on January 30, 1850 a miners' committee adopted a set of laws for the Jacksonville district, among which was one declaring that "no person coming direct from a foreign country shall be permitted to locate or work any lot within the jurisdiction of this encampment."⁵⁰ In the Spring of 1850, miners of the Columbia District, Tuolumne County, decreed that:

Neither Asiatic nor South Sea Islanders shall be allowed to mine in this district, either for themselves or for others.

Any person who shall sell a claim to an Asiatic or South Sea Islander shall not be allowed to hold another claim in this district for the space of six months. None but Americans or Europeans, shall be allowed to mine in this district, either for themselves or others.⁵¹

A committee of vigilance of twenty was appointed to carry out the resolution and to endeavor to secure an efficient organization of miners for the purpose of protecting themselves from the Chinese and Kanakas. Since the law was only aimed at the non-European immigrants, it is clear that racism developed earlier than the anti-Chinese movement that followed in latter years. The

miners in the northern mines forced foreigners out of the forks of the American, Bear, Yuba and Feather rivers and at Rose Bar into the southern diggings located in Mariposa, Stanislaus and Tuolumne counties.⁵² In the southern diggings they were later attacked as well, but there the Americans met a strong resistance.

An early commentator said, "a question having two sides arose, when the United States men saw pouring into a country which they regarded as their own a host of aliens to share in the golden harvest." Though the question did have two sides, the resolution of it was to be completely one-sided throughout. Finding the foreigners in direct competition, American miners set about eliminating their competition, and eventually succeeded in driving the majority of the foreign miners away from the mines, and some even out of the state. The Military Governor of California resolved not to interfere, but to permit all to work freely, unless broils and crimes should call for interference.

The general feeling was that:

The mines were the United States property. Chinese marauders and foreign cut-throats have the same rights and privileges guaranteed to them as American citizens. Aliens who bear no part of the burden in the cost for stationing troop to prevent the Indians from desolating the country were permitted to come in on an equal footing.⁵⁴

FOREIGN MINERS, LICENSE LAW 1850

When the legislature was introduced in early 1850, the problem of the foreign miners was now to be handled at the state level. The government of the United States did not interfere with state mining until 1866, when a clear federal code of mining regulations was finally established. The only useful federal law at hand was the Pre-emption Law of 1841, which provided that mineral lands were to be excluded from pre-emption by citizens. Under the provisions of this law, the government had attempted to reserve mineral lands, and to lease the mineral rights of these lands to miners, but this process had proved both costly and inefficient, and was abandoned prior to 1849.⁵⁵ Thomas Ewing, Secretary of the Interior in 1849, believed that the Executive Department had no power to exclude foreign miners from the California mines, and therefore, the problem of regulation of the mines and miners in California was left to the state government, which had *de facto* control in the area.

The new legislature which met in early 1850 consisted of a wide variety of Yankee⁵⁶ politicians, a majority of whom were representatives from mining constituencies.⁵⁷ Therefore, the legis-

felt that the tax collectors were exacting more from them than from the others. Unlike other foreigners, who resisted the tax collectors, the Chinese were passive; they either paid the tax or they turned to other occupations.

The act succeeded in expelling some of the undesirable foreigners from the mines but it failed to achieve its economic objective. Governor Burnett, in his message to the legislature June 7, 1851, remarked that the sum of \$29,731.16, derived from licenses fell far short of what was confidently anticipated. He went on to reveal that a further sum of \$9,941.00 had yet to be paid in by Mr. L.A. Bensencon, the former Tax Collector of Tuolumne County. According to the State Comptroller, as of December 15, 1851, the state treasury had realized \$33,147.47 between April, 1850 and December 1851.⁶⁶ The 1853 report of the state comptroller revealed that another tax collector, Mr. D.I. Woodlief, was delinquent in the sum of \$11,683.66, and doubted whether Bensencon would ever pay the sum he owed to the state.⁶⁷ Even if the Foreign Miners' Tax did not produce significant revenue for the state, it gave added encouragement to the harassment and evictions which had all along been undertaken by American miners against foreign miners.

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American citizens in California by 1850 could be classified into three groups; they were the settlers, miners and missionaries.⁶⁸ Most of the settlers were land owners, merchants and entrepreneurs, numbering around 10,000.⁶⁹ Most of them were anti-slavery. They came to California with a high idealism for building a free state. But the discovery of gold made such vision almost impossible. Within a year after knowledge of this event had spread to the outside world, California had changed from a sleepy province of about thirteen thousand people to a feverishly-active community of almost one hundred thousand. The population, in overwhelming proportions, was made up of men, mostly young men, adventurers, who lived under social conditions in which the restraints of civilized society were lacking. When ever-growing numbers of Chinese arrived on the California scene, their reception had two aspects. On the one hand, the process was another act in the struggle for the realization of the free white society vision. On the other hand, the meeting with the newcomers demanded that the American tradition of providing a refuge for suffering humanity be extended to the Chinese. But unlike the traditional immigrants, the Chinese were of the Mongoloid race. As early as in 1848, the editor of the *Californian* expressed the Californian vision:

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We desire only a white population in California. We did not like to bring up a family in miserable condition surrounded by slavery.¹⁰

In view of such a declaration, how would the settlers respond to the Chinese problem?

The settlers tolerated Chinese immigration because of economic reasons. During the 1848-1852 period California experienced a serious shortage of labor. The labor force was seriously hit by the discovery of gold. The sudden increase in potential wealth caused by the gold rush had an immediate impact on wages in California (see Table 3).

**Table 3. Daily Wage of Labor in California
1848 – 1860**

Year	Daily wage (average)
1847	0.40 – 0.50
1848	\$20.00
1849	\$16.00
1850	\$10.00
1851	\$ 8.00 or less
1852	\$ 6.00
1853	\$ 5.00
1856-56	\$ 3.00 or more
1859	\$ 3.00
1860	\$ 3.00 or less

Source: Rodman W. Paul, *California Gold* (Cambridge, Mass: Harvard University Press, 1947), p. 120.

From the latter part of 1847 to the third quarter of 1848, the cost of common labor in California was 40 to 50 cents per day.⁷¹ During the peak of the flush period, daily wages seem to have increased from about \$3.00 to \$20.00⁷².

The exodus of the labor force to the gold mines and the sudden increase of wages affected the settlers. The European immigrant demanded four or five dollars a day for work and everyone was helpless before him⁷³ The Chinaman, on the other hand, was willing to work for two and three dollars a day.⁷⁴ As early as 1848 a correspondent of the *California* suggested that "laborers on contracts may be brought from China ... , who will work faithfully for low wages," if white workers proved too expensive.⁷⁵ On January 7, 1852 in his message to the California Legislature, Governor John McDougal gave the first official endorsement to

use the Chinese in projects to settle swamps and flooded lands.⁷⁶ Earlier in 1851 he explained his toleration of Chinese laborers as a means of pacifying the mining districts and solving the entrepreneurs' labor problem.⁷⁷ Chinese laborers were industrious and efficient. They less frequently caused their employers trouble than any other class of laborers. There were with them no strikes, no demands for higher wages than those at first agreed upon. Noting these virtues, the editor of the *Pacific News* remarked upon their industry, quietness, cheerfulness and the cleanliness of their personal habits. Whatever the white man scorned to do, the Chinamen took up; whatever the white man did, the Chinese would learn to do; he was a gapfiller, doing what no one else would do, or what remained undone, adapting himself to the white man's tastes and slipping away unprotestingly to other tasks when the white man wanted the job. It was also true that as early as 1848-1849, there had been talk among California's nascent capitalist class of bringing large numbers of Chinese laborers into the country.⁷⁸

If it had not been for economic necessity, however, many of the settlers would have sided with the miners. One indication of this was Representative George B. Tingley's radical report, which was accepted by the Legislature. Tingley asked Congress to keep all persons of foreign birth out of the mines—even naturalized citizens. He expressed his contempt of the immigrants:

Devoid of intelligence sufficient to appreciate the indolent, and dishonest, to an extent rendering them obnoxious to our citizens; with habits of life low and degraded; and intellect but one degree above the beast of the field, and not susceptible of elevation; all these things combined render such classes of human beings a curse to any enlightened community.⁷⁹

In 1852 Tingley introduced in the California State Legislature a bill to legalize and make possible the enforcement of contracts, by which Chinese laborers could sell their services to employers for periods of ten years or less at fixed wages.⁸⁰ In other words, he favoured Chinese immigrants, but only to satisfy the temporary need in the labor force.

Another example was the settlers' reaction to the Foreign Miners' Tax. At first, a number of the merchants supported the miners' reactions in expelling the foreigners from the northern mines. But when merchants suffered serious losses due to the exodus of foreigners after the enforcement of the license, they organized a campaign to secure a policy of "fair play" for foreigners.⁸¹ Merchants in the southern diggings were hit hard by cutbacks in Trade. They increased their efforts to end the law —

"a law", in the words of the *Stockton Times*, "for the killing of children to get their fat."⁸²

Throughout the state businessmen suddenly found their trade dropping; in the mining towns, especially in the southern mines, a ruinous depression set in immediately, as the exodus of foreigners began. The *Picayune* of San Francis reported:

Many of the mining camps were entirely deserted as the foreigners formed one-half of the mining population. From fifteen to twenty thousands Mexicans, and perhaps an equal number of Chilenos are now leaving. Sonora lost a third of her people and in Columbia but ten persons remained. Real estate fell fifty per cent.⁸³

The merchants of Stockton held a protest; they claimed that the Tax Law was highly injurious and oppressive to a large majority of the people of California and that it had deranged and destroyed all the business of the inland towns.⁸⁴ They proposed that the tax be immediately lowered to five dollars, to preserve the peace and unity of the State.⁸⁵

The merchants of Sonora took up a collection to fight the tax. They managed to get a test case to the State Supreme Court, but were repulsed. The court decided that the money collected from the foreign miners was not a tax, but a fee, collected for the permission to enjoy the privilege of mining; a foreigner in California could elect to mine or not to mine, and therefore, was not forced to pay for a license.⁸⁶ Despite this rebuke, the storm of protest continued.⁸⁷

Acting under pressure from merchants in the gold regions and in the cities of the Sacramento Valley, the State Legislature repealed the Foreign Miners' Tax Law in March of 1851.⁸⁹ Therefore one could conclude that the settlers tolerated the Chinese because of economic necessity. Nativism among them was not so strong. As economic interest was more compelling.

As in the question of the "Coolie Bill", a conflict of interest arose between the settlers and the miners, between economic necessity and nativism. Popular sentiment was overwhelming. The Citizens of Sacramento warned the bill's authors and supporters in the legislature that they would be followed to their political graves by the public opprobrium or dissatisfaction. The newspapers followed it and "with a most liberal display of patriotism ... opened in full cry" against Tingley's bill. The *Sacramento Union* viewed the bill as a possible source for "perpetual riots and difficulties." The *San Francisco Picayune* strongly condemned the "movement ... to introduce among us a system of modified slavery." These frontal assaults silenced such proponents of

contract labor as the *Stockton Republican*, which suggested the use of Chinese to reclaim tule lands for the cultivation of tea and rice. Only a few politicians or editors cared to counter the general trend. On April 12, 1852 the senate accepted a motion to postpone consideration of the bill indefinitely by a vote of eighteen to two.⁹⁰

Politicians were greatly influenced by both economic objectives and nativist attitudes in dealing with the Chinese question. They were either representing the miners or representing business entrepreneurs and farmers. In such a situation where anti-slavery feelings and nativism were strong, economic motives compelled them to tolerate the Chinese. Politicians who represented the miners, on the other hand, were compelled to maintain a nativist attitude in order to secure their political interest even though this was contrary to their economic interest. Thus the result was that Chinese immigration continued and anti-Chinese sentiment grew stronger.

The missionaries were sympathetic to the Chinese immigrants, largely on humanitarian grounds. They seemed to realize that they had a duty to perform for the glory of God and the spread of Christianity. From the preacher's point of view the main business of life was to make converts to Christianity. America was a Christian country; therefore if the Chinaman could be brought to America the chances of converting him were better than if he remained in China and had the gospel carried to him by the missionary. They hoped that the Chinese would be Christianized and would influence their families to accept Christianity when they went back to China.⁹¹ It was the missionaries who had made considerable efforts to teach the Chinese by organizing Sunday schools and defending allegations made against them. Such efforts had been taken as early as in August, 1850, when missionaries like the Reverends Albert Williams, T.D. Hunt and others had taken initiatives to foster goodwill between the Chinese and San Franciscans.⁹²

The miners were the first whites to engage in a major struggle with the Chinese. The clash manifested itself not only in physical violence but in verbal debate. The debate centered on the issues of free man versus slave and small producer versus monopolist.⁹³ Nativism was strong among them. But nativism in California was dressed in a new uniform; it was not clearly focused on Catholics or against all foreigners either. There was a hierarchy of esteem in which nativists held foreigners. They hailed the English, Scots and Germans almost without reservation, and they cordially received other foreigners from northern and western Europe, many of

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whom were Catholics. They had less enthusiasm about foreigners from Australia who were, in fact, all Protestants. On the other hand the Latin Americans and the non-Caucasian race faced far greater levels of discrimination and prejudice.

On the whole, the life of the Chinese miner was not altogether a happy one; often times he was relegated to the meanest type of activity — that which no other people would do. He was driven from many of the camps and even members of other foreign races abused the Chinese. In the mining regions Chinese were at the mercy of the Americans and other aggressive miners as they were not given the protection of the law.

The assertion that Chinese immigrants were welcomed during the period before the middle of 1852 cannot be supported by strong evidence. Despite the praise accorded them and their participation in official celebrations, they were subject to discriminatory regulations and laws set by both the miners' committees and legitimate authorities. Even in San Francisco, Chinese became the prey of the various anti-foreign elements. It was for this reason that some Chinese settlements in San Francisco that were formerly scattered had been abandoned and centered at Sacramento and Dupont Streets.

Indeed, it was apparent that they often worked mines that had already been abandoned by white men, but nevertheless, they were attacked rigorously and viciously by both public laws and popular risings. They were preyed upon in the mines.

At Marysville in 1852, white miners drew up a resolution asserting that "no Chinaman was to be thenceforth allowed to hold any mining claim in the neighborhood."⁹⁴ There followed a general uprising in the area against the Chinese, and, accompanied by a marching band, the American miners expelled the Chinese from North Forks, Horseshoe Bar and other neighboring mining camps.⁹⁵ The miners at Jamestown demanded from the Legislature a Hospital Tax of five dollars on each immigrant and a prohibition of naturalization to the Chinese. These incidents coincided with McDougal's recommendation for a system of land grants to induce Chinese immigration and settlement. It also coincided with Justice Nathaniel Bennet's welcoming address.

In general, the presence of nativist and racist elements in American society, whether among the settlers or the miners, cannot be ruled out. The Chinese did not escape molestation or harassment. Americans had already declared "we desire only a white population in California," even before California entered the Union.⁹⁶ Before 1851 the impact of nativism on the Chinese was not to the extreme, as their number was still small and the miners were preoccupied with a more conspicuous element of society.

But by 1852, when the other undesirable foreigners had been almost driven away, the tide turned against the Chinese.

Notes

¹ *Daily Alta California*, March 8, 1850. J.D. Borthwick, *Three Years in California* (Edinburgh: William Blackwood, 1857), pp. 330-332; Borthwick wrote that the Chinese were not only welcomed, but invited to California. Then was no race antipathy and the Chinamen could find room and something more than toleration.

² *California, Journal of the Senate* (1852), p. 16.

³ *California, Journal of the Legislature* (1852), p. 15.

⁴ *Daily Alta California*, Oct. 31, 1850.

⁵ *California, Journal of the Senate* (1854), Appendix, Doc. 9.

⁶ *California, Constitution* (1849), art 11, sec. 7.

⁷ *Reports and Cases Argued and Determined in the Supreme Court of the State of California, 1854* (San Francisco: Bancroft - Whitney Company, 1887), *People v. Hall*.

⁸ Jose Fernandez, the alcalde of San Jose, and General M.G. Vallejo expressed such views in their diaries. See Jose Fernandez Papers, Diary November, 1851; Mariano G. Vallejo Papers, Diary 1850-1851, Bancroft Library, University of California, Berkeley.

⁹ European foreigners were generally welcomed. Nativists only tried to limit the immigrants' political participation and lengthen the qualifying period for naturalization.

¹⁰ See William Elder to Sarah Elder, 1850-1851, letters from California contain description of San Francisco, Gold Rush Letters, Bancroft Library, University of California, Berkeley.

¹¹ David Hudson to H.H. Bancroft, November 2, 1872, re Bear Flag Revolt, 1846, David Hudson Papers, Bancroft Library, University of California, Berkeley; Thomas O. Larkin, Official correspondence as U.S. Consul and Navy Agent 1845, The Larkin Papers, Bancroft Library, University of California, Berkeley; see also Theresa Gay, Transcript of interviews with inhabitants of Trinity County, California, relating to early history of the county, Bancroft Library, University of California, Berkeley.

¹² David Y. Thomas, *A History of Military Government in Newly Acquired Territory of the United States* (New York: Columbia University Press, 1904), p. 239.

¹³ U.S., Department of Commerce, *Historical Statistics of the United States: Colonial Times to 1957* (Washington D.C.: Government Printing Office, 1960), p. 737.

¹⁴ Commodore Thomas Catsby Jones, Report to the Secretary of the Navy, Oct. 25, 1848, Nov. 2, 1848, "Squadron Letters: 1841-1866, Microfilm from Record Group.

¹⁵ *Ibid.*; *Californian*, Aug. 14, 1848.

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- 16 California, *Statutes* (San Jose: State Printer, 1850), pp. 14-24.
- 17 Gold was discovered by James Marshall in January 1848. Although the word of the event leaked out soon after Marshall's discovery, people did not rush at once to the gold region. In fact they were skeptical of the information and paid little attention to it. Through March the news was little heeded, but by April there was a greater show of enthusiasm. See *Californian*, March 15, 1848; *San Francisco Star*, March 18, 1848; John Shutter and James Marshall, "The Discovery of Gold in California," *Hutchings' California Magazine* 2 (November 1857), pp. 194-202.
- 18 Bancroft, *History of California*, vol VI, pp. 83, 114, 115.
- 19 Gilbert Chinard, *When the French Came to California* (San Francisco: California Historical Society, 1944), p. 4.
- 20 James A. Scherer, *The First Forty-Niner and the Story of the Golden Tea-Caddy* (n.p.: Minton, Balch & Co., 1925), p. 56.
- 21 Frederick F. Low, Transcript of interview conducted by H.H. Bancroft in 1870, re voyage to California in 1849 via Panama, Bancroft Library, University of California, Berkeley; *Sacramento Union*, April 2, 1851.
- 22 Robert Beck, Diary, February 26, 1849 – November 24, 1850, an account of his trip to California from Pennsylvania, by ship to Vera Cruz, overland through Mexico to San Blas, by ship to San Francisco, Robert Beck Papers, Bancroft Library, University of California, Berkeley; see also Charles Holbrook, Statement concerning his arrival at San Francisco via Panama in 1850, Recorded for H.H. Bancroft, n.d., Bancroft Library, University of California, Berkeley.
- 23 *Ibid.*; see also M. Brainard to his parents and sister, May 18, 1852, Gold Rush Letters, 1849-1852, Bancroft Library, University of California, Berkeley; Robert G. Cleland, *A History of California: The American Period* (New York: MacMillan & Company, 1922), p. 233.
- 24 California, *Journal of the Senate* (San Francisco: State Printer, 1852), p. 578.
- 25 Edmund Green, "Reminiscences of a Pioneer, dictated to Ellen Ferry," account of his overland journey in 1849, Edmund Green Papers, Bancroft Library, University of California, Berkeley.
- 26 California, *Journal of the Senate* (San Francisco: State Printer, 1852), p. 578.
- 27 James Abbey, "California – A Trip Across the Plains (1850)," *The Magazine of History with Notes and Queries*, vol. 46, no. 3, Extra no. 183 (New York: William Abbat, 1933), p. 19.
- 28 U.S., Congress, *House Executive Documents, No. 1, 30 Cong. 2 sess.*, 1848, pp. 51-53.
- 29 Bancroft, *History of California*, Vol. VI, pp. 124-125, 127.
- 30 Jay Monaghan, *Australians and the Gold Rush* (Berkeley: University of California Press, 1966), p. 121.
- Source: *Journal of the Third Session of the Legislature of the State of California, Journal of the Proceedings of the Senate* (San Francisco: G.K. Fitch and Company, and N.E. Geiger and Company, 1852), p. 15; J. Ross

Brown, *Report of the Debates in the Conventions of Constitution on the Formation of the State Legislature in September and October, 1849* (Washington: John T. Towers, 1850), p. XXIII; U.S., Congress, *Report of Thomas B. King, House Executive Document*, no. 17, p. 706.

31 Thomas O. Larkin, *The Larkin Papers*, Bancroft Library, University of California, Berkeley, p. 71.

32 U.S., Congress, *House Executive Document*, no. 17, 31st Congress, 1st sess., 1850, p. 26.

33 J.S. Hittell, *History of California* (San Francisco: Pacific Press Publishing House, 1896), p. 706.

34 *Daily Alta California*, April 26, 1849.

35 William D. Bickham, "Notes of Travel, Incidents, etc., During My Sojourn in California, January 1st - October 19, 1851," *William D. Bickham Papers*, Bancroft Library, University of California, Berkeley.

36 William Kelly, *A Stroll Through the Diggings of California* (London: Simmis and M'Intyre, 1852), p. 16.

37 The gold mining population was almost all males vigorous enough to have made it to California and primarily interested in wealth through gold mining. According to the census of 1851, women in California accounted for less than 10 per cent of the population of the state although their numbers were increasing rapidly. In mining communities the proportion fell to less than 4 per cent.

38 Col. R.B. Mason to Gen. Roger Jones, Aug. 28, 1848, Sept. 12, 1848, Richard B. Mason Collection, Bancroft Library, University of California, Berkeley.

39 *Ibid.*, Proclamation re military deserters, July 25, 1848.

40 Gambling and drinking were the natural outcome of sudden riches; if the miners were not sifting for gold they were at the saloons or the gambling tables. Perkins Diary, 1850-1852, William Perkins Papers, Bancroft Library, University of California, Berkeley; John A. Bauer, *Statements re social conditions in the gold mine*, Dictation recorded for H.H. Bancroft, 1877, Bancroft Library, University of California, Berkeley.

41 In her detailed and descriptive letters to her sister back East, Dame Shirley wrote: "In a short space of twenty-four days, we have had murders, fearful accidents, bloody deaths, a mob, whipping, a hanging, an attempt at suicide, and a duel." Louise Clappe, *The Shirley Letters From California Mines* (New York: Alfred A. Knopf, 1961), p. 161.

42 Miners' trials were characterized by lynch law. One of the reasons for the description was the atmosphere of excitement, frenzy and festivity created by the occasion. These trials would be prolonged or shortened according to the appetite of the crowd, or the time of their disposal. Thus a lynch trial provided a form of leisure activity in the same class as the occasional bull fights, bull vs. bear fights and other such forms of entertainment. In the editorial of February 9, 1851, the *Daily Alta California* voiced its support for lynch law, based on the unique conditions of mining districts. According to the paper, these conditions included: scarcity of courts plus the distance from organized courts, the absence of jails and the attractiveness of mining

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communities to criminals. Regardless of the justification, there were bound to be miscarriages of justice in an atmosphere within which miners were described as affectionately drunk in the forenoon, fighting drunk in the afternoon and dead drunk at night. See Owen C. Coy, *In the Diggings* (Los Angeles: California State Historical Association, 1948), p. 108; William H. Ellison, *A Self Governing Dominion: California 1849-1860* (Berkeley: University of California Press 1927), p. 200. Ellison stated that lynch law was not confined to mining districts only, it was even practised in San Francisco where there were enough formal institutions to handle any breach of the law.

43 *Sacramento Transcript*, April 24, 1851.

44 Richard B. Mason, Circulars and Documents as Military Governor of California, Richard B. Mason Collection, Bancroft Library, University of California, Berkeley.

45 *Panama Star*, February 24, 1849. U.S., Congress, *House Executive Document*, no. 17, Smith to Secretary of War, W. Marcy, 31 Cong., 1st sess. 1849, pp. 704-707.

46 U.S., Congress, *House Executive Document*, no. 17, pp. 704.

47 Smith was succeeded by General Riley on April 13, 1849.

48 *Panama Star*, March 15, 1849.

49 H.H. Bancroft, *History of California*, Vol. VI, p. 273; The "Hounds" was made up, for the most part, of former members of the regiment of New York Volunteers who declared that the purpose of the organization was to protect American lives and property, but in truth it was an anti-foreign organization whose target was the non-European immigrant. Later, with a platform for resisting and expelling foreign vagrants, the society was formally organized. See Frank Soule, *Annals of San Francisco*, p. 554; H.H. Bancroft, *Popular Tribunals*, 2 vols (San Francisco: The History Company, Publishers, 1887), 1:88.

50 Owen C. Coy, *In the Diggings in 'Forty-nine* (Los Angeles: California State Historical Association, 1948), pp. 191-193.

51 *Mining Notices, 1850-1856*, Bancroft Library, University of California, Berkeley.

52 It was reported that three men were hanged, others were whipped and had their ears cropped. See *Placer Times* (Sacramento), April 28, 1849.

53 Bancroft, *History of California*, vol. VI, p. 403.

54 *Placer Times*, June 2, 1849.

55 Owen Cochran Coy, *Gold Days* (Los Angeles: The Powell Publishing Co., 1929), p. 166.

56 "Yankee" refers to Americans of Anglo-Saxon background. Universally used in California from about 1846 on.

57 *California, Journal of the Legislature (1849-1850)*, (San Jose: State Printer, 1850), pp. 23-26.

58 Frederick F. Low, Transcript of interview re political affairs in California, conducted by H.H. Bancroft, 1883, Bancroft Library, University of California, Berkeley.

- 59 California, *Statutes* (1850), p. 221.
- 60 *Ibid.*, pp. 221-223.
- 61 California, *Journal of the Legislature* (1849-1850), pp. 250-258, 1110, 1147; California, *Statutes* (San Jose: State Printer, 1850), p. 221. Since each collector could pocket a commission of three dollars for every twenty he took in, prospective office holders scrambled for appointment. See letters and petitions relating to appointment of collectors of the Foreign Miners' Tax in the *Journal of the Legislature 1849-1850*.
- 62 California, *Journal of the Legislature*, (1849-1850), pp. 1112-1140.
- 63 See California, *Constitution* (1849), Appendix, "Treaty of Guadalupe Hidalgo."
- 64 *Daily Alta California*, Feb. 20, Apr. 22, 1850, March 7, 1851; *Picayune*, Aug. 14, 1850; *Herald*, June 1, 4, 1850.
- 65 *Ibid.*
- 66 *Journal of the Third Session of the Legislature of the State of California, Journal of the Proceedings of the Senate* (San Francisco: G.K. Fitch & Co., and V.E. Geiger & Co., 1852), p. 483.
- 67 *Journal of the Fourth Sessions of the Legislature of the State of California, Journal of the Proceeding, of the Senate* (San Francisco: George Kerr, State-Printer, 1853), Appendix 1. pp. 49-50.
- 68 "Settlers" in this chapter refers to Americans who were not involved in mining pursuits. An anthropologist stated that the white Americans in California in the 1850s were of two sorts: one, moral, ethical and law-abiding, even if the laws were of local manufacture; the other, made up of the floaters, the irregulars, the failures at home, in revolt against the old customary home behavior patterns and contemptuous of restrictions attempted on the spot by their more sober compatriots. See Theodora L. Kroeber, *Ishi in Two Worlds: A Biography of the Last Wild Indian in North America* (Berkeley: University of California Press, 1962), pp. 42-51.
- 69 Roger Daniels and Spencer C. Olin Jr., eds., *Racism in California* (New York: The Macmillan Company, 1972), p. 14.
- 70 *San Francisco Californian*, March 15, 1848.
- 71 Thomas O. Larkin, *The Larkin Papers*, vol. VIII, Bancroft Library, University of California, Berkeley, pp. 37, 243.
- 72 J. Ross Browne, *Report of the Delegates in the Convention of California on the Formation of the State Constitution, in September and October, 1849* (Washington D.C.: John T. Towers, 1850), p. 102.
- 73 *Daily Alta California*, July 23, 1851.
- 74 See "Memorial From Representative Chinamen in America", Collections of the Rare Books Room, San Francisco Public Library, San Francisco.
- 75 *San Francisco Californian*, November 4, 1848.
- 76 California, *Journal of the Senate* (1852), p. 15.
- 77 *Daily Alta California*, July 23, August 21, 23, 25, 1851.
- 78 C.V. Gillespie to Thomas O. Larkin, March 6, 1848, *The Larkin Papers*,

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Bancroft Library, University of California, Berkeley. Developers of California were quick to notice, as a correspondent for the *Californian* put it as early as November 4, 1848, that the Chinese might be used to substitute for white labor.

79 California, *Journal of the Legislature*, 1849-1850 (San Jose: State Printer, 1850), pp. 805-811.

80 *Daily Alta California*, March 1852; California, *Journal of the Senate* (1852), p. 15.

81 *Stockton Times*, Aug. 3, 10, Nov. 23, 1850.

82 *Stockton Times*, March 5, 1851.

83 *San Francisco Picayune*, August 14, 1850.

84 *Stockton Times*, May 15, 1850.

85 *Stockton Times*, June 1, 1850.

86 *Reports of Cases Determined in the Supreme Court of California 1850-1851* (San Francisco: Bancroft and Whitney, 1906), pp. 232-254. California, *Journal of the Legislature* (San Jose: State Printer, 1851), p. 810.

87 Even the State Attorney General disliked the tax so thoroughly that he refused to defend the collector prosecuted in the California Supreme Court and ignored the governor's threat to prosecute him for dereliction of duty. See *Stockton Times*, Aug. 3, 10, Nov. 23, 1850, March 5, 12, 1851; *Marysville Herald*, Sept. 6, 1850; Herbert O. Lang, *A History of Tuolumne County, California* (San Francisco: B.F. Alley, 1882), p. 89. *Daily Alta California*, March 5, 7, 22, 1851.

89 California, *Statutes* (Vallejo: State Printer, 1851), p. 424.

90 *Daily Alta California*, March 10, 21, 1852; *San Francisco Picayune*, March 10, 1852; *Sacramento Union*, March 20, 21, 1852; *San Francisco Herald*, March 12, 1852 (quoting *Stockton Republican*); California, *Journal of the Assembly* (San Francisco: State Printer, 1852), p. 353; California, *Journal of the Senate* (San Francisco: State Printer, 1852), pp. 303, 305-307, 309, 311.

91 Willard Farwell, *The Chinese at Home and Abroad, together with The Report of the Special Committee of the Board of Supervisors of San Francisco, on the Condition of the Chinese Quarter of that City* (San Francisco: A.L. Bancroft and Co., 1885), pp. 60-72.

92 *Daily Alta California*, August 26, 1850.

93 C.N. Canfield, ed., *The Diary of a Forty-Niner*, p. 222; *Daily Alta California* February 20, 1860.

94 For the attack at Chinese camps, see Hittell, T., *History of California* Vol. IV (San Francisco: N.J. Stone, 1897), p. 102. The resolution against Chinese miners in Marysville will be found in the *Marysville Herald*, May 4, 1852.

95 *Sacramento Union*, May 2, 1852; *Daily Alta California*, May 12, 1852.

96 *San Francisco Californian*, March 15, 1848.