
Negro Rights Activities in Gold Rush California

By RUDOLPH M. LAPP

LONG BEFORE THE Civil War free Negroes were active in movements to improve the position of their people in American society. Recent events of this kind are actually a continuum of earlier, lesser known efforts. The nineteenth century free Negro also had his detractors and his supporters. His struggles were marked by some successes and many defeats. Little has been written of the leadership he developed, the campaigns he conducted, and the frustrations he endured. While the greatest part of this story is set in the eastern states of the North, the Gold Rush brought a chapter of it to California.

The Negro population of Gold Rush California was not large. They comprised roughly 1 percent of the population. The significance of their story is not in their number but rather in the moral force that the Negroes were able to exert and the courage they displayed. Above all, the account of Negro organization and their struggles against often insurmountable odds testifies to the inaccuracy of the belief that the American Negro did little on his own behalf.

In the spring of 1850 the *Daily Alta* of San Francisco stated that in their opinion most forty-niner Negroes had become free. The 1850 census supported this view, of course, since slavery was declared illegal in the 1849 state constitution and there was no provision for enumerating slaves on the census forms. The census merely states there were 962 Negroes in the state at that time.

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Future research may provide a more precise statistic on how many of the 962 California Negroes were slaves or free men.

The fact, however, of a significant number of Negroes in a slave condition in a state that had excluded the "peculiar" institution provided the setting for the first of what can be called Negro rights struggles in California. Had every Negro who came to California with the promise of freedom been granted that freedom and had every slave who came to the state without freedom commitments not had any freedom thoughts of his own, there would not be any story. But masters did try to break their promises, and slaves did decide to strike for freedom in Gold Rush California.

The fugitive slave fights in the early months and years did not seem to be associated with carefully laid plans by well organized groups. Rather they were a blend of personal courage, aid from unknown free Negroes, and legal help from local sympathetic lawyers and judges. Perhaps the most important catalytic agent in every case was the free Negro who told his black brother that in California he had a legal chance for freedom. One of the earliest cases occurred in San Jose in February, 1850. It came to the attention of the authorities as a street brawl in which a white man was beating a Negro with a club. Cries of shame were reported from the crowd, and the marshal took both parties into custody. The court proceedings revealed that the white man claimed the Negro as his slave and complained that his contact with the free Negroes of San Jose had spoiled him to the point where he refused to be obedient property and leave the city with his master. The alcalde ruled in favor of the master. With the assistance of the local authorities, the Negro was spirited away in time to avoid a writ that several friendly lawyers brought too late to the alcalde.³

Cornelius Cole, the venerable early Californian, thought in later days that he and Judge Crocker were the only members of the legal profession in Sacramento who came to the defense of the Negro.⁴ His memory was not too good in this matter because there were others that he was associated with in court cases. In Sacramento only a few months after the unhappy San Jose case, another street brawl involving a Negro named Charles resulted in another fugitive slave case. In this instance the judge set the Negro free. He pointed out to the presumed master that the laws passed before as well as after the American con-

quest of California made Charles a free man. One of the attorneys for the Negro was Joseph Winans who was to be involved again in fugitive slave matters and to become one of the outstanding members of the legal fraternity in the state. He has been described as the "first scholar of the Bar."⁵

The next important case occurred in a court in San Francisco in March, 1851. A Missourian had brought to the mines a "yellow boy," as the newspapers described him, named Frank who decided in the atmosphere of the Sierras to run away. His master tracked him down and had him confined preparatory to returning to Missouri. In San Francisco legal aid was provided by attorney S. W. Holladay, and a writ was presented to Judge Morrison to set him free. Judge Morrison, after a few days' deliberation, set Frank free claiming that California laws supported his decision and that the National Fugitive Slave Law was not involved. His reasoning was that Frank did not come to California as a fugitive. His running away activities began within the boundaries of the state which were not offenses in California law. The judge must have had a sardonic sense of humor, for he continued in his decision to pour a bit of salt on the wounded feelings of the proslavery listeners. It seems that in the course of interrogation Frank had stated that he had been a slave in Missouri. The judge calmly rejected this bit of testimony because the California state legislature had only the year before made Negro testimony illegal in civil and criminal cases! This case was notable in another way. It seems that the Negro community of San Francisco was noticeably involved in its outcome. This may have been the first stimulus to active organization.⁶

It soon became apparent that slave owners who were tarrying too long in California were in danger of losing their property. If the word got around, Judge Morrison's court could become quite busy.

In the first month of 1852 a champion for the slave owner emerged. He was Assemblyman Henry A. Crabb, a Southern aristocrat, who gained a tragic fame a few years later by losing his life in a Sonoran filibustering adventure. Crabb introduced a fugitive slave bill in January, 1852, that gave white men arbitrary powers in returning Negroes whom they claimed as slaves in Southern states. Assemblyman Ellis of San Francisco had the suspicious feeling that a portion of this bill was so written in order to allow slavery to establish itself in California

through the back door. Crabb's bill did not sharply define any limits on how long a slave owner might remain in California. Ellis' amending proposals were rejected. When the unchanged bill reached the senate, it faced more formidable opposition. Here David Broderick voiced his apprehensions. He feared that the bill did nothing to protect the Negro who came to California with the promise of freedom from a callously capricious former owner or from some white man with the talents of a Negro kidnapper. Through much of April, 1852, the senate debated the bill with Broderick gaining strong but not quite sufficient support. The bill was passed fourteen to nine with Broderick in the minority.⁷

It was not too long before Broderick's fears were realized. In April of the following year the first publicly noted attempt to return a free Negro girl to slavery was reported in the *Daily Alta*. The attempt took place in Auburn, California, but fortunately a local lawyer was the custodian of the young woman's freedom papers and could produce them in court. The claimant was the son of the man who freed the girl, and he professed not to know of his father's action.⁸ In Gold Springs, Tuolumne County, a Negro named Stephen Hill, who had been free long enough to accumulate property to the value of \$4,000, was imprisoned by men claiming to be agents of his former owner. They managed to destroy his freedom papers too. He was taken to Stockton where a daring escape was managed. Some years later a letter from a white man to the *Daily Alta* suggested that this escape involved a great deal of Caucasian collusion.⁹

It was inevitable that the constitutionality of Crabb's Fugitive Slave Act would be tested. The opportunity arose in what is called the Perkins Case. A Mississippian named Perkins claimed through agents that three Negroes working in Placer County, two of them bearing the name Perkins, were his fugitive property. A justice of the peace and then a county judge gave the three Negroes to Perkins' agent. In the meantime support was rolling up for the trio. Enlisted in their cause were lawyers Joseph Winans, Joseph Zabriskie, and Cornelius Cole. This battery of legal talent managed to temporarily rescue the three Negroes from a ship that was about to leave San Francisco. The case was brought directly to the state supreme court. The proslave court upheld the entire California Fugitive Slave law. It even upheld that section of the law that corroded the genuinely free Negro's right to

maintain his freedom. In 1855 that feature of the law was allowed to lapse, and the California Negro was in a slightly less uncertain status.¹⁰

The odious section of the state's fugitive slave law may have been allowed to lapse because it might have been believed that by 1855 the problem no longer existed. But its lapse may also be due to changes in public sentiment. The Methodist Minister M. C. Briggs of San Francisco noted in a letter, "There has been a manifestly growing change in public sentiment in this state, in respect of slavery." Just before the Frémont presidential campaign, a Missourian wrote to his brother from Columbia saying, "The Blue Bellied Yankees are every day getting a stronger hold." In 1857 even the San Francisco YMCA reflected sympathy for the Negro. They criticized the exclusion of Negroes practiced by certain eastern YMCA's.¹¹

It was apparent that the California Negro had a growing number of friends in the white population, especially in San Francisco and Sacramento. These were found largely in the very young Republican Party. Of equal importance was the growing sturdiness of their own organizations and their determination to act. A German observer noted that wealthy California Negroes had become "especially talented" in stealing slaves to freedom. He added that they "exhibit a great deal of energy and intelligence in saving their brothers."¹²

In 1855 the California Negroes had a general marshalling of their forces through the meeting of the First Colored Convention. It was mainly concerned with the right of testimony in civil and criminal cases where white men were also involved. That the denial of this right was a tragic handicap soon became apparent through the fugitive slave experience. But as this issue gradually declined in importance, the problem of protection of life and property rose. The need for testimony rights was a clear requirement for manhood as well as for livelihood. The Negro whose wife or daughter was raped by a white man, without white witnesses, had no recourse to justice. The Negro who was robbed in open daylight in his shop was also defenseless if no white witness would agree to testify in his behalf. There is also scattered evidence that Negro farmers in California were ejected from lands they had cultivated because they could not testify to their ownership.¹³ At the heart of this testimony issue was the California Negro's modest prosperity and ability to accumulate material goods in spite of handi-

caps. At this first convention one of the delegates announced that the property of the California Negro population was worth over three and one-half million dollars.¹⁴ In all societies propertied classes have insisted on legal and political protection commensurate with their wealth.

The struggle for the right of testimony began several years before this statewide convention. It had its beginnings in a number of incidents in San Francisco. A Negro barber had been murdered by a white man who was never brought to justice because only Negro testimony was available. One of the most capable Negro leaders, Mifflin Wistar Gibbs, was humiliated when a white man came into the boot and shoe shop that Gibbs was a partner in and, in a series of shabby maneuvers, virtually stole an expensive pair of boots while beating Peter Lester, Gibbs' partner.¹⁵ These, plus other factors, brought about the organization of the Franchise League in 1852 which was primarily a San Francisco organization.

The first effort of the league was a petition campaign to change the law in regard to Negro testimony. It was directed at the state legislature and it gathered names from whites as well as Negroes. The assembly received this petition in March, 1852, in the most insulting fashion. Assemblyman Cannay from Placer County presented the petition for Assemblyman Ellis from San Francisco in his absence. There were those in the assembly who shouted that it should not even be read. Assemblyman Hinchman pleaded for politeness in the matter. Assemblyman Crabb, the slave-catcher's friend, said that if Negroes only were associated with this petition it should not even be heard. It was finally heard, and then it was moved that a petition from "such a source" should not be officially received. Hinchman's vote was the only one for receiving the petition.¹⁶

One year later almost the same scene was repeated. The Franchise League had assembled another round of petitions, and these were presented by Assemblyman Meredith. One member of the assembly proposed that the petition be thrown out of the window. Patrick Cannay, who was chairman this time, ruled him out of order and was sustained. He needed to be sustained several times during that session when he had to rule out of order one insulting frivolity after another. Motions to reject and not to file the petition were passed almost unanimously. In referring to the behaviour of the assembly, the *San Francisco Daily*

Alta wrote, "Our doughty Assembly may possibly have laid themselves liable to the severest censure by the remarkable course pursued in this matter."¹⁷

Despite these depressing prospects, the Franchise League proceeded to organize the first statewide Negro convention for the following year, 1855. Perhaps the league drew its hope from looking to New England. While five northern states did prohibit Negro testimony in cases where white men were involved, none of them was in New England.¹⁸ It may also have drawn strength from the activities of its colored convention compatriots in the East with whom its members were in correspondence. Many of these members had had organizational experience in the Eastern Negro rights movements.

The work of this convention produced even more petitions during the following months. More whites expressed their wish for justice to the Negro. In 1856 petitions were presented to the state legislature from San Francisco, Sacramento, and El Dorado counties to change the testimony laws. Support for such a change even came from the San Francisco County Grand Jury. All petitions were referred to the Judiciary Committee where they died. The Judiciary Committee was evidently not impressed with the fact that nearly three hundred lawyers had also given support to this legal reform proposal.¹⁹

The convention movement was not disheartened however. It prepared for another round and another convention in 1856. The year had seen more white friends enter the struggle. In fact, a great deal of its approach involved an appeal to the self-interest of white men: there were times when white men needed Negro testimony. A United States Circuit Court in San Francisco could not prosecute a seaman for killing a mate on the high seas because the only witness was a Negro.²⁰

As one colored convention delegate put it:

I may see the assassin plunge the dagger to the vitals of my neighbor . . . I may overhear the robber of 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 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?²¹

The 1856 Colored Convention was to be the biggest of the three before the Civil War. Sixty-one delegates came from seventeen counties. There were men of great ability, talent, and education at this gathering. The topic of education loomed up as a competitor to the issue of testimony. The California Negro community was sufficiently stabilized to be concerned about the education of its children. The white school systems in the state showed virtually no interest in Negro children at this time. These children obtained their basic education through the work of the churches and especially the efforts of one man, Jeremiah B. Sanderson, a Bedford, Massachusetts, Negro who was in effect the scribe for all the Colored conventions. With evidence of regret, however, the 1856 convention kept itself mainly to the single issue of testimony.

The resulting petition campaign rolled up another wave of strong white support. Petitions were presented to the assembly the following year from seven counties: San Francisco, Sacramento, and five mountain counties. San Francisco alone presented a petition with five-hundred signatures. But in the assembly nothing happened.²³

While the testimony law had to wait until the Civil War before it was reformed, some judges in San Francisco were beginning to receive Negro testimony despite the state law. In an assault case in 1858 the defendant's lawyer tried to set aside an indictment because the injured party was a Negro and his testimony was thereby rendered invalid. The judge in the case so interpreted existing law as to accept the Negro's testimony. He claimed in his decision that he was in accordance with "the common-law, and with the principles of justice and humanity." The jury sustained the judge.²⁴ As a result of this case a police court shortly afterwards ruled in favor of a Negro woman in an assault and battery case.²⁵ A few weeks later an old Negro woman was able to obtain justice against a white man who had beaten her.²⁶

The Third Colored Convention that met in 1857 was a bit smaller than the previous one, and must have taken place in an atmosphere of depression. The Dred Scott decision had been handed down that year, and in the California assembly there was talk of anti-Negro immigration legislation. The Dred Scott decision had produced additional problems for Negro farmers. As a result of this decision the United States Land Office denied pre-emption rights to Negroes. This convention

was, in addition, distracted by internal problems. Forgetting to heed the requirement that minority groups must be perfect in all things, members of the convention movement permitted themselves the luxury, granted only to Caucasians, of jealousies and pettiness. They were never to be quite free of this difficulty.²⁷

The subsequent months saw another petition campaign. In spite of technical difficulties in assembling the petitions from some of the far-flung counties and the inadequate funds sent from those areas, a respectable showing was made. San Francisco and Sacramento counties came through very well as usual. Eighteen-hundred signatures were sent to the assembly from San Francisco alone.²⁸ A San Francisco newspaper noted that "the number of petitions favoring the repeal of the statute disqualifying Negroes and Mulattoes from giving evidence . . . causes them [the assemblymen] no little uneasiness."²⁹ The petitions were again buried in committee.

Some unfriendly assemblymen could find new excuses to be antagonistic to the Negro in 1858. This was the year of the famous Archy fugitive slave case.

While the fugitive slave problem was virtually nonexistent in California by 1858, the Archy case occurred because of the dull-wittedness of his owner in bringing him to California. It took on spectacular dimensions because of the supreme court's decision that legally Archy deserved his freedom. But out of kindness to his master, the court also decided he must return to slavery.³⁰ The press all over the state roared in ridicule, and the Negro community, especially in San Francisco, was thoroughly aroused.³¹ The minute details of the Archy case make for another story. Suffice it to say, that the aggressive concern and involvement of San Francisco Negroes offended the tender sensibilities of some of the assemblymen. It is not clear whether the militancy of Bay Area Negroes had much to do with the rejection by the assembly of the testimony petitions, but it did have some bearing on a legislative attempt to register all free Negroes in California and bar future colored immigration into the state. Referring to the Archy excitement in San Francisco, State Senator Merritt in support of antifree Negro immigration legislation stated that "he becomes insolent and defiant, and, if in sufficient numbers, would become dangerous, as evidenced by recent occurrences in one of our cities."³²

This was not the first effort to prevent Negro immigration to California. An attempt that died had been made at the constitutional convention. Assemblyman Crabb, who incidentally in the year of Archy's freedom was on his way to meet his own fate in Sonora, announced in 1852 that he would introduce a bill to prevent future Negro immigration into California.³³ It was not until 1857 that such a bill almost became a law. By a thirty to thirty-two vote the bill was defeated in the assembly.³⁴

The year 1858 was a painfully dramatic one for California Negroes. There was to be another more serious attempt to prevent Negro immigration and to label the Negro a proscribed class. Many were to despair of legal relief and to begin to think of leaving the country. The only bright spot in that year was the astonishing victory of Archy at the hands of a federal official who was a Southerner!

The 1858 attempt to bar Negro immigration moved along more successfully than previous efforts. While feelings about the Archy case were discernible, there may have been other factors as well at play. The latter half of the 1850's in California was a period of some economic distress, and the cities and towns had increasing numbers of former miners seeking work. An antagonistic sentiment was rising against Chinese and Negroes. At almost the same time that the anti-Negro Immigration bill was running its course through the legislature, an Anti-Chinese bill of the same kind was on its way.³⁵

The anti-Negro immigration bill was introduced in the assembly in March of 1858. Its provisions were harsh on Negroes who were in violation of the bill as well as white men who unwittingly hired Negroes who were subject to its exclusion provisions. The unwillingness of the assemblymen to modify the penalties on white employers of Negroes in violation of this act lends strength to the view that the legislators had the general problem of employment on their minds. Efforts to penalize a slave-owner who brought a Negro into the state after the effective date of the law were, however, defeated. The assemblymen were in no mood for moderation whenever this bill was up for discussion. A partial explanation for this impatience may be that this bill seemed to come to the floor repeatedly in the late afternoons or in the evening and that this session was in its last days. The bill was finally passed overwhelmingly in the assembly and sent to the senate.³⁶

Uneasiness about this bill was more evident in this body. An attempt to postpone consideration indefinitely was defeated nine to seventeen. State Senator Bell attempted to introduce safeguards for California Negroes temporarily out of the state or members of their immediate families on their way to California. He won a temporary delay on this point, but the Judiciary Committee by a three to two vote rejected his suggestion. Maneuvering came to an end with the passage of the bill twenty-one to eight.³⁷ But the maneuvering bore fruit. The senate included some minor revisions that required the bill's return to the assembly for approval. The very impatient and partially drunk assembly had, however, in the meantime adjourned. The bill therefore died.³⁸

Had this bill passed, at least two very influential newspapers, the *Sacramento Daily Union* and the *San Francisco Daily Evening Bulletin*, thought that it would be unenforceable. As it worked its way through the legislature, these newspapers reported the proceedings with undisguised distaste. In their view it was unnecessarily harsh to the Negro.³⁹ The *Daily Evening Bulletin* defended the California Negroes by making a case for them—with some logic—as the best of the free Negro group in the United States. It saw some merit in preventing future immigration of Negroes but pleaded for more kindness in treating the resident population.⁴⁰ At least one outstanding leader of the San Francisco Negro community took a thanks-but-no-thanks view of this kind of support. Mifflin Wistar Gibbs wrote to the *Evening Bulletin* defending free Negroes everywhere in the United States. He said, in part:

I appeal with pride to the history of the free colored people for the last twenty years in every free state in the Union . . . During all that time, notwithstanding they have been subjected to the most unjust enactments and coerced by rigorous laws, pursued by a prejudice as unrelenting as inhuman, disregarded by the Church, and persecuted by the State—they have made steady progress, upward and onward, in oral and intellectual attainments.

I admit the right of a family or a nation to say who, from without, shall be a component part of its household or community; but the application of this principle should work no hardship to a colored man, for he was born in the great American family, and is your black brother—ugly though he may be—and is interested in its weal or woe, is taxed to support it, and having made up his mind to stay with the family, his right to the benefit of just government is as good as that of his pale face brother who clamors for his expatriation.⁴¹

Even as Gibbs wrote this ringing statement he must have been having doubts about remaining in the country of his birth. His letter appeared in the first week of April, 1858, and in the days that followed Negroes in San Francisco were conducting indignation meetings and talking about going to Canada. The anti-immigration bill seemed certain of passage, and there was excitement to the north due to the Frazier River Gold Rush.⁴²

Accident in history played its part. Due to the Frazier River fever, the British officials in Victoria found it necessary to expand governmental functions. This required a building program that called for a large group of laborers. The gold rush had created a severe labor shortage in Victoria. British sea captains who knew about California and San Francisco events were in touch with Victoria officials and things began to happen.⁴³ At one of the April Negro mass meetings in San Francisco the audience was informed that they would be welcome in Victoria and that there was employment and land.⁴⁴

The result was an exodus of several hundred California Negroes led by a number of leaders of the convention movement, including the author of the previous statement, Mifflin Wistar Gibbs.⁴⁵ The convention movement lost another leader in Peter Lester who was Gibbs' business partner. He is the same man who was beaten while they were being robbed and could get no justice because of the testimony laws. Lester had his own special grief during the weeks before he decided to join his partner in the Victoria migration. His daughter, who was apparently very light-skinned, was accepted into an all-white public school after examination by the board of education in San Francisco. This was found offensive to some school officials, and an agonizing debate resulted. The board resolved its problem at the expense of Peter Lester's daughter. This was too much for the Lester family, and they headed for Victoria. There were other parents with daughters like Lester's who had also applied to the white schools. Some of them too must have joined the Victoria exodus.⁴⁶ Most of the group settled in Victoria, but some went to the gold fields of British Columbia. For many this was a vast improvement in their situation. The Negro community of Victoria might have been much larger today if it had not been for the developments of the Civil War just a few years later. Like most of the American Negroes who fled to Canada in the 1840's and

1850's, the Victoria Negro community returned in great numbers to their native land. Gibbs, who became an elective official in Victoria, returned to the United States and received recognition for his abilities in the postwar period. Among his official positions was the post of municipal judge of Little Rock, Arkansas.⁴⁷

With the departure of the contingent to Victoria in 1858, the convention movement seemed to fall into spiritual and organizational doldrums. There was no convention that year, and frustration produced accentuated internal bickering. Defeat was in the air notwithstanding that the anti-immigration legislation never became law. An effort at independent Negro journalism had just expired in spite of great sacrifices by its editor. In November, 1858, the executive committee of the convention movement issued a report in which it announced that after much thought it had decided not to call for another testimony petition until there was a change of political administration in California.⁴⁸ This, of course, could only mean that the Negro felt that his fortunes lay with an eventual Republican victory. It is interesting to note that in this mood of depression Negro leadership turned faintly to recourses suggested more forcefully nearly forty years later when the American Negro was experiencing the bitter fruits of home rule in the South. Foreshadowing Booker T. Washington, the executive committee report advised that

Pecuniary prominence, in a country so diversified as this, takes precedence over intellectual, and it should be our highest aim to seek the end we have marked out, through that mode which has formed a superiority. . . .⁴⁹

But the report does not call for surrender. It agrees to conduct another petition campaign if the California Negro community responds with sufficient vigor and funds.⁵⁰ This does not seem to have been the case before 1860.

The fortunes of the California Negro began to rise with the opening of the next decade. The cause of the convention movement was assisted tremendously by national developments as well as human factors. 1860 saw the arrival in California of the Reverend Thomas Starr King, who gave Negro causes as well as other causes a great deal of support. In the same year one of the major figures in Negro journalism came to California, and a Negro press was soon born again on the West

Coast: Peter Bell had been associated with the Negro press in the East since its beginnings in the 1830's and was a very sophisticated and worldly journalist.⁵¹

Bell was a fine addition to the leadership group in the California convention movement. While the exodus to Victoria had resulted in the loss of Gibbs and Lester, the leadership of the 1850's had at all times contained an unusual group of men. Gibbs had worked with Frederick Douglass in the antislavery movement in the East.⁵² William H. Yates, who was the president of the first California Colored Convention and was associated with all the subsequent conventions, bought his own freedom in Washington, D.C., as a young man. Becoming a porter in the United States Supreme Court, he experienced an unusual intellectual exposure. When he moved to New York, he became a Mason and was an active anticolonizationist. He came to California in 1851 and became an employee of the California Steamship Navigation Company. As a chief steward he plied the waters of San Francisco Bay and was undoubtedly able to function as a unifying agent in the convention movement.⁵³

William H. Hall, who was president of the Second Colored Convention, had an equally interesting career before coming to California. In Washington, D.C., he was the fund raiser for a monument for Benjamin Banneker. In New York he too became a Mason and was active in that state in the campaign for Negro suffrage in the 1840's.⁵⁴ Abner Francis was a correspondent of Fred Douglass as were others in the convention movement.⁵⁵ William Newby had also been a western contributor to Frederick Douglass' paper. He was one of the founders of the first California Negro paper, *The Mirror of the Times*. His ability was recognized by the French government, and he was asked in 1858 to be the private secretary to the French Consul General in Haiti.⁵⁶ New Bedford-born Jeremiah B. Sanderson was on the same platform with Frederick Douglass when the latter was discovered by William Lloyd Garrison.⁵⁷ Most, if not all, of the printed proceedings of the California Colored Conventions are in his handwriting. William Wells Brown's *The Black Man*, published during the Civil War, which was a review of distinguished Negroes in America included Sanderson as the only Western Negro.⁵⁸ Sanderson had worked with Douglass as well as with the Eastern Negro leaders, Brown and William C. Nell.⁵⁹ His great

competence made him the foremost Negro teacher in California. He was the most indefatigable worker in organizing schools for Negro children and gained begrudging financial support from boards of education.

Most of these men were born free or had achieved freedom at an early age back East. There were many who were active in the California convention movement who did not attain the prominence of the aforementioned but were of its flesh and bone. A most interesting group are those whose early years in California were absorbed with the back-breaking business of buying themselves and their families out of slavery in the East and paying for their passage to California. They should also be remembered.

In 1863 the State Legislature of California revised the testimony laws, and the Negro was, at last, relieved of this disability. The previous year had seen the defeat of many opponents of Negro testimony, and the assemblymen who tried to reform the law in 1862 were now successful.⁶⁰ By the time of the Fourth Colored Convention in 1865, Negro leadership was turning itself to the problems of education and suffrage.⁶¹

When victory had at last been gained in the matter of testimony, Peter Bell, now the editor of the Negro paper, *The Pacific Appeal*, wrote:

we should be more guarded than ever against committing any acts that might be construed by the enemies of our advancement, as a consequence of the repeal of those unjust laws We should be patient and conciliating. . . .

And then he added with a remarkable quality of objectivity:

we must not always suppose that every offense that may be committed against us is altogether in consequence of our color.⁶²

Early in 1864, editor Bell felt optimistic and wrote:

A new era has already dawned and it is with yourselves to decide as to whether you or your children shall be made capable of assuming the responsible positions which already await you. The Federal Government and the good and intelligent among the American people, are endeavoring to help you.⁶³

Peter Bell had no way of knowing in 1864 that many generations of white Americans were yet to come who would try to freeze the Negro in his subordinate position in American life by telling him that he was trying to move too fast.

NOTES

1. *Compendium, Ninth Census*, p. 29.

2. *Daily Alta*, May 29, 1850.

3. *Ibid*, February 16, 1850.

4. *Memoirs of Cornelius Cole*, p. 94.

In his *Memoirs*, Cole refers to an "Andy Slave Case." He does not date this case precisely and in all its particulars it is the historic Perkins Case. With the passage of time, Cole must have forgotten about the actual names and number of the defendants in this case who were Robert and Carter Perkins and Sandy Jones. It is my belief that Cole forgot the Perkinses and Sandy became "Andy" with passage of time. He also forgot that Joseph Winans and Joseph Zabriskie were associated with him as lawyers in this case. (See footnote 10.) Cole's biographer repeated this error in her work. (Catherine Coffin Phillips, *Cornelius Cole*, pp. 53-54.

5. *Daily Alta*, May 29, 1850; Oscar T. Shuck, *History of the Bench and Bar of California*, p. 449.

6. *Daily Alta*, March 31, 1851; *California Courier*, March 31, 1851; *The Herald*, April 1, 1851.

7. *Journal of the Assembly, Third Session*, pp. 95, 146, 147; *Journal of the Senate, Third Session*, pp. 257-85; *Sacramento Daily Union*, February 6, April 9, 1852.

8. *Daily Alta*, April 20, 1853.

9. Clyde A. Duniway, *Slavery in California after 1848; Annual Report*, American Historical Association, 1906; *Daily Alta*, April 18, 1858.

10. *California Reports*, 1852, pp. 424-59; *Sacramento Daily Union*, June 3, 9, 1852; *Statutes of California, Fifth*, 1854, p. 30.

11. Thomas J. Oxley to his brother, June 18, 1856, Oxley Papers, Bancroft Library; M. C. Briggs to R. C. Burr, April 16, 1855, Briggs Papers, Bancroft Library; Clifford Drury, *San Francisco Y.M.C.A.*, p. 36.

12. Ruth Fry Axe (ed.), *Bound for Sacramento*, p. 144.

13. *Pacific Appeal*, May 8, 30, 1863.

14. *Proceedings of the First State Convention of the Colored Citizens of the State of California*, 1855, p. 12. In a Report of the Convention printed in *Sacramento Daily Union*, November 21, 1855, a more modest but no less impressive statistical report is given of \$2,375,000. The *Proceedings* report, p. 18, gives the figure of \$2,413,000.

15. Delilah Beasley, *Negro Trail Blazers of California*, p. 54; Mifflin Wistar Gibbs, *Shadow and Light*, p. 46.

16. *Assembly Journal, Third Session*, p. 395; *Sacramento Daily Union*, March 23, 1852; *Daily Alta*, March 14, 1853.

17. *Assembly Journal, Fourth Session*, pp. 259-61; *Daily Alta*, March 13, 1853; *Sacramento Daily Union*, March 15, 1853.

18. Leon Litwak, *North of Slavery*, p. 93.

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19. *Senate Journal, Seventh Session*, pp. 488, 496, 559; *Sacramento Daily Union*, December 10, 1856.
20. Dorothy Huggins (compiler), *Continuation of the Annals of San Francisco*, p. 73.
21. *Proceedings of the Second Annual Convention of the Colored People of the State of California*, 1856, p. 9.
22. *Daily Evening Bulletin*, December 21, 1857.
23. *Senate Journal, Eighth Session*, pp. 285, 294, 337.
24. *Evening Bulletin*, August 24, 26, 1858.
25. *Ibid*, November 3, 1858.
26. *Ibid*, December 9, 1858.
27. *Address of the State Executive Committee to the Colored People of the State of California 1859, passim; Appeal*, April 12, 1862.
28. *Address*, p. 10; *Evening Bulletin*, February 19, 1858.
29. *Evening Bulletin*, February 4, 1858.
30. *Ex Parte Archy*, 9 Cal. 147.
31. Lucille Eaves, *A History of California Labor Legislation*, pp. 99-103. This is the best condensed report of this case.
32. *Daily Alta*, April 22, 1858.
33. *Assembly Journal, Third Session*, p. 71.
34. *Ibid. Eighth Session*, pp. 741, 811, 812, 823-24.
35. *Evening Bulletin*, April 27, 1858.
36. *Assembly Journal, Ninth Session*, pp. 342, 408, 444-45, 447, 462, 489-500, 523.
37. *Senate Journal, Ninth Session*, pp. 661, 663-64.
38. *Evening Bulletin*, April 8, 23, 27, 1858.
39. *Ibid*, April 2, 5, 1858; *Sacramento Daily Union*, March 26, 29, 1858.
40. *Evening Bulletin*, April 2, 1858.
41. *Ibid*, April 5, 1858.
42. *Daily Alta*, April 20, 1858.
43. James W. Pilton, "Negro Settlement in British Columbia" (University of British Columbia, unpublished master's thesis, 1951), p. 4.
44. *Evening Bulletin*, May 13, 17, 1858.
45. Gibbs, *Shadow*, p. 62.
46. *Evening Bulletin*, February 18, 24, March 31, 1858; *Daily Alta*, April 5, 1858.
47. Gibbs, *Shadow*, p. 136.
48. *Address*, pp. 11, 12.
49. *Ibid*, p. 15.
50. *Ibid*, pp. 16, 17.
51. Irvine Penn, *The Afro-American Press*, pp. 85-99.
52. Gibbs, *Shadow*, p. 32.
53. *Appeal*, August 1, 1863.

54. *Ibid*, August 29, 1863.
55. *Ibid*, July 4, 1863.
56. *Ibid*, June 20, 1863.
57. Parker Pillsbury, *Acts of the Anti-Slavery Apostles*, p. 326; The granddaughter of Sanderson has placed in my possession correspondence between her grand-father, William C. Nell and William Wells Brown.
58. William Wells Brown, *The Black Man*, p. 91.
59. Carter Woodson, *The Mind of the Negro as Revealed in his Letters*, 1800-1860, pp. 350, 384-85.
60. *Assembly Journal, Thirteenth Session*, pp. 259, 404, 670; *Statutes of California*, 1863, p. 69; *Appeal*, September 13, 1862.
61. *Proceedings of the California State Convention of Colored Citizens*, *passim*.
62. *Appeal*, March 21, 1863.
63. *Ibid*, February 6, 1864.