

# California Unbound: Rethinking the “End” of Unfree Labor in the Pacific World and Beyond

**ABSTRACT** An enduring focus on African American chattel slavery, the U.S. Civil War, and sharecropping in the South has failed to collectively address the varieties of unfree labor and their abolitions in the trans-Mississippi western United States. By exploring systems of servitude and their termination in California and the wider Pacific World, this essay reframes the Age of Abolition. It describes the rise and fall of labor regimes that bound California Indians, African Americans, Chileans, and Chinese women. Citing Chinese-, English-, and Spanish-language sources from a variety of archives and libraries, this article expands the chronology, geography, and actors of the Age of Abolition. Finally, it suggests trajectories for rethinking this momentous transition from Pacific World and western U.S. vantage points to suggest the need for a global history of abolition. **KEYWORDS:** unfree labor, Pacific World, Age of Abolition

It has been called by a great many names and it will call itself by yet another, and all of us had better wait and see what new form this old monster will assume.

—Frederick Douglass, 1865<sup>1</sup>

**F**OR MOST OF world history, unfree labor drove economic production. That changed during the much-studied Age of Abolition, which began in 1772 when Britain abolished slavery in England and Wales. Most scholars have framed the Atlantic World as the crucible of the slave trade and the region where unfree labor met its demise, agreeing that the Age of Abolition ended in 1888 when Brazil abolished slavery. However,

---

*California History*, Vol. 100, Number 3, pp. 24–56, ISSN 0162-2897, electronic ISSN 2327-1485. © 2023 by the Regents of the University of California. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Reprints and Permissions web page, <https://www.ucpress.edu/journals/reprintspermissions>. DOI: <https://doi.org/10.1525/ch.2023.100.3.24>.

unfree labor—defined here as work, either paid or unpaid, without the freedom to quit—assumed many forms. Among historians, a focus on Atlantic World chattel slavery and its aftermath has left other varieties of servitude and their abolitions in the Pacific World collectively understudied, poorly understood, and all but un-theorized.<sup>2</sup>

This article explores the confluence of four unfree-labor regimes in California to initiate the comparative study of bonded work and its abolition in the Pacific World and beyond. California's labor market, particularly between 1846 and 1900, was diverse and complex. We describe the rise and fall of the labor regimes that bound California Indians, African Americans, Chileans, and Chinese sex workers. In nineteenth-century California, apprenticeship, debt peonage, convict labor, indenture, captive prostitution, chattel slavery, and other systems of bonded labor coexisted. Describing these forms of servitude in California and the Pacific World, this article reconceptualizes the chronology, spatial contours, and actors in the age of unfree labor. Indeed, California was one node in a vast network of unfree-labor circuits that crisscrossed the world's largest ocean. This network—often elided by free-labor systems—sprawled across the Pacific World. State and non-state actors used diverse approaches, both violent and nonviolent, to abolish servitude in California and beyond. These women and men included legislators, reformers, activists, and bonded laborers themselves. This article concludes by placing bonded work in a Pacific World context to underscore an ongoing global history of abolition.

In some ways, nineteenth-century Pacific World servitude was like its Atlantic counterpart. Coerced relocation, work without the freedom to quit, confinement, colonialism, racism, and violence characterized both. However, nineteenth-century Pacific World servitude also exhibited tremendous variety and often occurred in the shadows of dominant free-labor systems. Crucially, from the seventeenth century onward, diverse forms of servitude crisscrossed the Pacific, transferring ideologies of bondage while moving men, women, and children far from their homelands in attempts to exploit their labor power.<sup>3</sup> Moreover, while the forced removal of Africans to the Americas anchored the Atlantic World's "triangular trade," the Pacific World's unfree-labor traffic comprised multiple circuits, carrying bonded laborers, servitude systems, and ideologies of work among widely dispersed nodes. Additionally, the Atlantic World's Age of Abolition—which ultimately banned *de jure* slavery—has an agreed-upon beginning and end. The terminus of Pacific World servitude remains elusive. With the rise of the democratic ideal, the emergence of strong labor organizations, and the spread of an international human rights regime, many governments abolished *de jure* unfree labor during the late nineteenth and early twentieth centuries. There were three general exceptions: convict labor, captive prostitution, and guest-worker labor. The struggle to abolish unfree labor in the Pacific World continues.

Like the Atlantic World, the Pacific World is both a useful unit of analysis and a realm of lived experience for millions of people, past and present. The transoceanic circulation of capital, commodities, and human beings unified this region in and around the Pacific Ocean. The lack of any comprehensive study of unfree labor in the Pacific World is unsurprising. This vast region is a zone of tremendous linguistic and cultural diversity, posing major practical and methodological obstacles to its integrated study. One way to address these polylingual, transnational, and multi-archival challenges is to locate and

study times and places where many Pacific peoples coalesced. Since the nineteenth century, California has been a key node of multiple unfree-labor circuits.<sup>4</sup>

Several scholars have blazed trails by studying unfree labor in the western United States, providing helpful signposts for understanding Pacific World servitude. In 1985, historian Howard Lamar asserted that an unchallenged scholarly focus on African American slavery had generated “a relative lack of emphasis on other forms of slave, bonded or contract labour in this country.” Fifteen years later, historian David Brion Davis emphasized the importance of looking beyond Atlantic World slavery to create a more comprehensive framework for understanding global unfree-labor histories. Davis explained: “Eventually, the Atlantic Slave System did reach across the Pacific and was partially replaced by a Pacific labour system that included Hawaii and the Philippines and that drew on ‘coolie’ labour from India, China, and other parts of Asia.” Despite Lamar’s and Davis’s clarion calls, scholars have paid comparatively little attention to the complicated, protracted, and ongoing attempts to abolish unfree labor in the western United States and the Pacific World. This has occluded our comprehension of servitude both during and after the Age of Abolition. Studying unfree work in California reveals the transnational and diverse character of labor regimes in the western United States and the wider Pacific World. Moreover, this article shows that attempts to terminate unfree labor in California began with Mexican abolition in 1829, endured beyond the U.S. Civil War (1861–1865), and continue today.<sup>5</sup>

Bonded labor arrangements from around the Pacific flourished in Spanish, Russian, and Mexican California, frequently with official sanction. This continued under U.S. rule. California’s 1849 constitution stated that “neither slavery nor involuntary servitude, unless for punishment of crimes, shall ever be tolerated in this State,” and in 1850 the U.S. Congress admitted California to the Union as a free state. Nevertheless, unfree-labor networks ensnared tens of thousands of people in the new state. In 2013, historian D. Michael Bottoms provided a detailed study of race and Reconstruction in California. That same year, historian Stacey L. Smith addressed African American chattel slavery and, to a lesser extent, the unfree work of California Indians, Chinese, and others in the Golden State. However, her study does not explore transpacific unfree-labor systems, nor does it chronicle their protracted abolition. This article expands the temporal and spatial boundaries for the study of servitude well into the twentieth century and across the Pacific, exploring how systems of bondage ensnared four groups.<sup>6</sup>

Millions of people around the world experienced a prolonged transition from economies reliant on slavery to ones dependent on so-called “free” labor. As historian Seymour Drescher noted, during the nineteenth century, “freedom, not slavery, was the peculiar institution.” The transatlantic abolition movement achieved a seminal legal victory in 1772 when Britain banned slavery in England and Wales. Additional milestones followed. The 1791–1804 Haitian Revolution disrupted slavery in the Caribbean. In 1807, the British Parliament outlawed the importation of enslaved Africans to British colonies. Less than a year later, the U.S. Congress banned the importation of slaves. In 1811, Spain abolished slavery at home and in all Spanish colonies except Cuba, Puerto Rico, and Santo Domingo. These efforts aimed to end the international slave trade but did not terminate the institution. Moreover, they failed to stop other forms of unfree labor. At the same world-

historical moment when the Atlantic slave trade began to decline, systems of servitude continued, metamorphosed, and dramatically expanded in the Pacific World. This literal sea change in the geography of unfree labor provided capitalists and their state sponsors with untapped pools of mobile, on-demand labor power during an era of unprecedented mining booms, agricultural expansion, and railroad construction.<sup>7</sup>

Historians have often relied on binary portrayals of nineteenth-century servitude, framing our past in terms of slave and free, black and white. Yet two-toned representations have obscured the diverse peoples and varied systems of servitude that existed in the United States and in the Pacific World. Millions of Indigenous people toiled in bondage around the Pacific, but these regimes of servitude, their decline, and their persistence—in attenuated forms—have yet to be collectively analyzed.<sup>8</sup>

## CALIFORNIA INDIAN SERVITUDE

California Indian servitude predated U.S. rule. Spanish, Russian, and Mexican authorities institutionalized bonded Indigenous labor, extending circuits of servitude established by agents of the Russian and Spanish empires. Once the United States assumed control of California in 1846, state and federal policymakers expanded these practices and maintained some of them well after the U.S. Civil War.<sup>9</sup>

Beginning in the eighteenth century, Spaniards imposed systems of servitude upon California Indians. Between 1769 and 1823, Franciscan missionaries established twenty-one missions along California's coast, from San Diego in the south to Sonoma in the north. Historian Steven Hackel observed that in Spanish California, "Indian labour took numerous forms and stages between freedom and unfreedom." Some manifestations, like Indian convict labor, were legal institutions, but the mission labor system primarily relied on force. In 1877, Lorenzo Asisara, a Costanoan man, explained that at Mission Santa Cruz, "the Spanish priests were very cruel with the Indians . . . and they made them work like slaves." Missionaries often took California Indians against their will and severely punished captured escapees. María Solares, a Chumash woman of Mission Santa Inés, remembered her grandmother as an "*esclava de la misión*" who ran away "many, many times, and had been recaptured and whipped till her buttocks crawled with maggots." This labor regime transplanted de facto traditions of Hispanic servitude to the northernmost reaches of Spain's Pacific Empire. Indeed, it built upon centuries of Spanish coercion of Indigenous labor. California was thus a new node in a latitudinal Pacific circuit of Hispanic unfree-labor regimes, which ensnared Indigenous people as far south as Patagonia.<sup>10</sup>

Beginning in the 1830s, the Russian American Company captured and coerced Pomo and Miwok Indian people north of San Francisco for farm and ranch work. Like Spanish labor regimes in California, these practices extended a preexisting system of servitude, this one arcing across the North Pacific from Russia's Siberian Kamchatka Peninsula to points as far south as Baja California. Russians first extracted coerced labor from Indigenous Siberians during the seventeenth century, then from Alaska Natives starting in the eighteenth century, and from California Indians in the nineteenth century. In 1834, California's Mexican governor José Figueroa described "how the Russians 'were using for labour, besides the settlers, some Indians from the villages whom they brought usually

by force.” According to labor scholar Richard Steven Street: “Sweeping into interior villages, they rounded up entire rancherías at gunpoint and took hostages—women and children—to ensure that the men would labour diligently.” In 1841, the Russians abandoned their attempts to colonize California, but unfree California Indian labor persisted.<sup>11</sup>

After achieving independence from Spain in 1821, the Mexican government first attempted to abolish slavery north of the Rio Grande by banning the practice throughout its possessions in 1829. This reform proved difficult to enforce. As historian Albert Hurtado noted, “in the 1840s Indians were practically the sole source of agricultural labour and whites used every possible means to obtain their services. Slavery, debt peonage, and wage labour all had a place in Mexican and Anglo California.” Many of California’s vast cattle ranches depended upon coerced California Indian labor. Eyewitnesses described these workers as “legally reduced to servitude,” “the bond-men of the country,” or “little better than serfs.”<sup>12</sup>

Swiss entrepreneur John Sutter employed between several hundred and a thousand California Indians on his 48,000-acre Sacramento Valley ranch. Although nominally paid, many were unfree. Sutter’s manager, Heinrich Lienhard, recalled: “I had to lock the Indian men and women together in a large room to prevent them from returning to their homes in the mountains at night.” Sutter also traded in human beings. John Chamberlain remembered: “While I was living at the Sacramento [in the 1840s], it was customary for Sutter to buy and sell Indian boys and girls.” Sutter, in turn, noted that it was “common in those days to seize Indian women and children and sell them.”<sup>13</sup>

After the United States invaded Mexican California in 1846 during the Mexican-American War, military officers abolished Indian slavery there but instituted a legal system reinforcing existing regimes of unfree Indian labor. That September, the commandant of the Northern Department of California, Navy Captain John Montgomery, issued an emancipation proclamation of sorts: “all persons so holding or detaining Indians, shall release them, and permit them to return to their own homes, unless they can make a legal contract with them, which shall be acknowledged before the nearest Justice of the Peace.” Montgomery then undermined his own statement: “The Indian population must not be looked upon in the light of slaves, but it is deemed necessary that the Indians within the settlements, shall have employment with the right of choosing their own master or employer.” Yet, to ensure a stable Indian labor supply for California’s hide, tallow, grain, and grape economy, Montgomery designated unemployed Indians “within the settlements” as vagrants: “All Indians must be required to obtain employment and not permitted to wander about in an idle and dissolute manner, [and] if found so doing, they will be liable to arrest and punishment, by labour on the public works.” Montgomery thus defined Indians as either captive laborers or outlaws.<sup>14</sup>

In 1847, California’s military secretary of state, Henry Halleck, tightened control over Indians with a statewide pass system reminiscent of Southern laws controlling the movements of African Americans. Halleck’s scheme criminalized all Indians not employed by whites, mandating that “any Indian found beyond the limits of the town or rancho in which he may be employed, without such certificate or pass, will be liable to arrest.” By requiring “any Indian” to obtain a pass from an employer, Halleck made all Indians within

the colonial economic matrix captive laborers who could not freely change employers without becoming criminals in the eyes of the government.<sup>15</sup>

By 1848, with the gold rush underway, many observers reported seeing bonded California Indians. A San Francisco correspondent wrote, “The Diggor [*sic*] tribe [Ohlone] being next [to] us here . . . are kept in a kind of slavery and bondage by the rancheros.” Another writer concurred: “The Indians on the ranchos in California, are considered as stock, and are sold with it as cattle.”<sup>16</sup> As in some other regions of the Pacific World, free-labor advocates challenged unfree-labor arrangements as immoral threats to the dignity and wage rates of free laborers.

Some delegates to California’s 1849 state constitutional convention wanted to reinvent California’s Indian labor policies. Three times, they sought to enfranchise Indians and thus empower them with political leverage against servitude. Ultimately, the constitution banned slavery in the future state, but allowed the enfranchisement of only specific Indian people by a two-thirds vote of the state legislature. As a result, the new constitution did almost nothing to protect California Indians or their labor rights.<sup>17</sup>

During the mid-1800s, some whites espoused free-labor ideology as a justification for violence against California Indians. The forty-niner William M. Case asserted that the killing of Nisenan Indian people around the Northern California town of Coloma during the gold rush “was rough and terrible” but helped to replace “the old California system of inequality—of proprietors and peons” with “free labour.” Such rhetoric often camouflaged self-interest. As Hurtado observed, many non-Indians “regarded the use of Indians in the diggings as something akin to slavery, which was abhorrent not because Indians were abused but because command over Indian labour was unfair competition with free white men.” Either way, in 1850, proponents of California Indian servitude defeated those who opposed it.<sup>18</sup>

On April 22, 1850, California governor Peter Burnett signed an “Act for the Government and Protection of Indians,” legalizing white custody of Indian minors and Indian convict leasing. Under the act, Indian children could, with the consent of “friends or parents,” be held and worked without pay until age fifteen (if female) or eighteen (if male). The act also empowered whites to arrest Indian adults “found loitering and strolling about,” or “begging, or leading an immoral or profligate course of life.” When a court received such a complaint, the law required officers to capture and lease “such vagrant within twenty-four hours to the best bidder.” Successful bidders could then hold and work such prisoners for up to four months without compensation. “Any white person” could also visit a jailhouse and lease labor by paying “the fine and costs” for any “Indian convicted of an offence . . . punishable by fine.” Few Indians had sufficient funds to pay such fines. Thus, California jails became vendors of Indian convict labor.<sup>19</sup>

This 1850 act increased the already booming trade in bonded California Indian labor, but it had opponents. In 1852, California’s first Indian Affairs superintendent wrote to the U.S. Indian Affairs commissioner in Washington, D.C., to protest the “new mode of oppression of the Indians, of catching them like cattle and making them work, and turning them out to starve and die when the work-season is over.” Yet rather than abolishing such coercive labor regimes, the state strengthened them.<sup>20</sup>



**FIGURE 1.** Unknown artist, "Indienne Californienne du Sud 16 ans du prix d'une livre de poudre de chasse et une bouteille de brandy [sixteen-year-old Southern California Indian female at the price of a pound of gunpowder and a bottle of brandy]," print on paper: engraving, hand colored, 1857.

Courtesy of Robert B. Honeyman Jr. Collection, The Bancroft Library, Berkeley, California, BANC PIC 1963.002:1305:F-ALB

In 1860, California legislators expanded the 1850 act by legalizing the indenture of "any Indian or Indians." The act raised the male emancipation age from eighteen to twenty-five, and that of females from fifteen to twenty-one. Males indentured when "over fourteen and under twenty years of age" could now be held "until they attained the age of thirty years; if females, until . . . twenty-five." Finally, state legislators legalized indenturing minors without the presence of their guardians, facilitating access to Indian child labor. Ultimately, the bill lowered barriers to the acquisition of involuntary servants and expanded indenture

terms. Between 1850 and 1863 alone, non-Indians held some 20,000 California Indian people as unfree laborers (Figure 1).<sup>21</sup>

Like other nineteenth-century Pacific World frontiers, California's vast, poorly surveilled topography facilitated escape. Thus, enforcers of servitude relied on violence. The Wailaki Indian woman Lucy Young, who repeatedly fled servitude, recollected: "Young woman been stole by white people, come back. Shot through lights and liver. Front skin hang down like apron. She tie up with cotton dress. Never die, neither." Sometimes, enforcers massacred free Indians who harbored runaways. After "George Lane's squaw" fled "her lord and master" with "his Indian boy" in 1858, a posse murdered some fifteen Indian people on Northern California's Battle Creek.<sup>22</sup>

The U.S. Civil War marked a decisive turning point, as California legislators pledged loyalty to the United States and as the federal government turned against chattel slavery. President Abraham Lincoln initiated the protracted abolition of California Indian servitude by enacting the Emancipation Proclamation on January 1, 1863. California legislators responded to Lincoln's policy, which freed African American slaves in rebellious states, by modifying California laws regarding Indian labor. On April 27, Governor Leland Stanford approved an act repealing those portions of the 1850 and 1860 acts that had legalized the indenture of Indians. However, Indian convict leasing remained legal, and illegal California Indian slavery persisted. In August 1865, a journalist concluded that "slavery exists in California in precisely the same condition that it did until lately in the Southern States. There the blacks; here in almost every county Indians are unlawfully held as chattels."<sup>23</sup>

California Indians undermined systems of bondage by hiding, fighting, and running away, while federal intervention accelerated the decline of illegal Indian servitude. On December 19, 1865, California legislators ratified the Thirteenth Amendment, which outlawed slavery in the United States. Two years later, the U.S. Congress passed the "Act to Abolish and Forever Prohibit the System of Peonage in the Territory of New Mexico and Other Parts of the U.S.," thus closing the Thirteenth Amendment's "voluntary servitude" loophole and criminalizing offenses related to peonage and other forms of forced labor. Still, in 1867, a special investigator reported that Indian slavery was "not uncommon" in California.<sup>24</sup>

State legislators now pursued their own protracted attack on unfree Indian labor. In 1872, they modified California's criminal code to allow all people capable of perception and communication to serve as witnesses in court. With the support of a California Supreme Court ruling, the law went into effect in 1873. Courts could no longer legally reject the testimony of African Americans, Chinese, Native Americans, or other groups. State lawmakers thereby removed a major structural support for all systems of servitude in California.

Still, unfree California Indian labor persisted. As late as 1874, California booster Charles Nordhoff reported on bonded Indian labor at Northern California's Round Valley Indian Reservation: "When they need labourers they detail such men or women as they require, and these go out to work. They seldom refuse; if they do, they are sent to the military post, where they are made to saw wood." It is unclear when Indian convict leasing ended. Only in 1937 did California legislators terminate all remaining elements of the 1850 act, thus abolishing the last form of *de jure* Californian Indian servitude.<sup>25</sup> Yet Native American bondage was hardly the only form of unfree labor in nineteenth-century California.



## AFRICAN AMERICAN SLAVERY

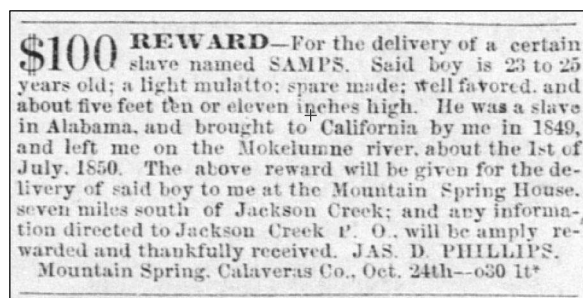
A few enslaved people of African descent came to California with the Spanish. Historian Theodore Hittell claimed that the first in California was an enslaved fourteen-year-old named Juana, brought from Lima, Peru, to San Francisco in 1825. Twenty-three years later, the gold rush triggered a substantial migration of Southern U.S. slave owners, many of whom transported enslaved African Americans to California. Thus, Pacific and Atlantic circuits of servitude intersected. Most enslaved African Americans in late nineteenth-century California came from the antebellum South, but they entered a region where chattel slavery was hardly new. Historians have estimated that five hundred to “a few thousand” enslaved African Americans came to California during the gold rush.<sup>26</sup>

Extant primary sources indicate the presence of enslaved African Americans from Los Angeles to Redding and from San Francisco to the Sierra Nevadas. In 1849, a San Francisco correspondent for the Boston-based *Liberator* reported on “a negro woman and child . . . bought a month since by a merchant in this town for \$1900.” In 1850, San Francisco’s *Daily Alta California* discussed “a Mississippi planter” who arrived “in California with *five slaves*, from whose labour in the Placer he expected to obtain broad and beneficial results.” Abolitionists struck back. The *Daily Alta California* asked, “Why is the arm of the law powerless to expose and punish this invasion of our constitutional rights?” and “How can the evil of slave labour be tolerated in the mines . . . ?”<sup>27</sup>

As news of California’s free-labor constitution spread, Southern slave owners were incredulous. Some envisioned California as slavery’s next frontier. In 1850, an advertisement in the *Jackson Mississippian* invited planters to establish a “Southern Slave Colony” in the Golden State, estimating “that by the first of May next, the members of the Slave Colony will amount to about five thousand, and the slaves to about ten thousand.” The following year, James Gadsden wrote from Charleston, South Carolina, to fellow Southerner and California politician Thomas Green, proposing a California “Colony under my lead” based on “Negro slavery under Educated + Intelligent Masters.” On February 10, 1852, the California State Assembly received a petition from Gadsden and roughly twelve hundred Floridian and South Carolinian colonists requesting “permission to colonize a rural district” with “not less than Two Thousand of their African Domestic” by whose “peculiar labor” they planned to render California soils “productive.” Such slaveholders imagined a major circuit of servitude sustaining a far-western bastion of Atlantic World slavery on the Pacific Rim.<sup>28</sup>

These malevolent dreams never fully materialized, but the circuitry persisted as enslavers contrived two novel ways of binding African Americans in California. First, they instituted “verbal or written contracts of future conditional manumission.” These contracts specified terms for the purchase of freedom through an agreed-upon sum or a fixed period of labor. Second, they exploited state laws that allowed the continued bondage of enslaved people brought into California before statehood in September 1850. Despite California’s free-state constitution, enslavement and emancipation contracts proved remarkably durable. Antebellum California became a crucible in which pro-slavery and antislavery forces contested the future of U.S. labor relations.<sup>29</sup>

As with California Indian servitude, the threat of violence comprised the first line of enforcement for African American enslavement in California. Whippings and beatings were common. In 1850, Englishman Richard Ness recorded that Texans, mining in Northern California's Yuba County, administered two hundred lashes to an enslaved man who had run away. Near Sonora, whites inflicted seven hundred lashes on an elderly African American man who had attempted to escape bondage. Slavers also sometimes shot freedom seekers. On July 18, 1851, "three men came down [a San Francisco] wharf, urging along at a rapid rate a negro. . . . They were armed with revolvers, and the negro was wounded, he having been fired at in his capture. . . . It is said that the negro was a fugitive slave." Substantial rewards for the capture and return of runaway enslaved people constituted a second line of enforcement (Figure 2).<sup>30</sup>



**\$100 REWARD**—For the delivery of a certain slave named SAMPs. Said boy is 23 to 25 years old; a light mulatto; spare made; well favored, and about five feet ten or eleven inches high. He was a slave in Alabama, and brought to California by me in 1849, and left me on the Mokelumne river, about the 1st of July, 1850. The above reward will be given for the delivery of said boy to me at the Mountain Spring House, seven miles south of Jackson Creek; and any information directed to Jackson Creek P. O. will be amply rewarded and thankfully received. JAS. D. PHILLIPS. Mountain Spring, Calaveras Co., Oct. 24th—o30 lt\*

**FIGURE 2.** An advertisement announcing a \$100 reward for the capture of "SAMPs," *Daily Union* (Sacramento), October 30, 1851, 2. This advertisement appeared a year after Congress admitted California to the Union as a "free state."

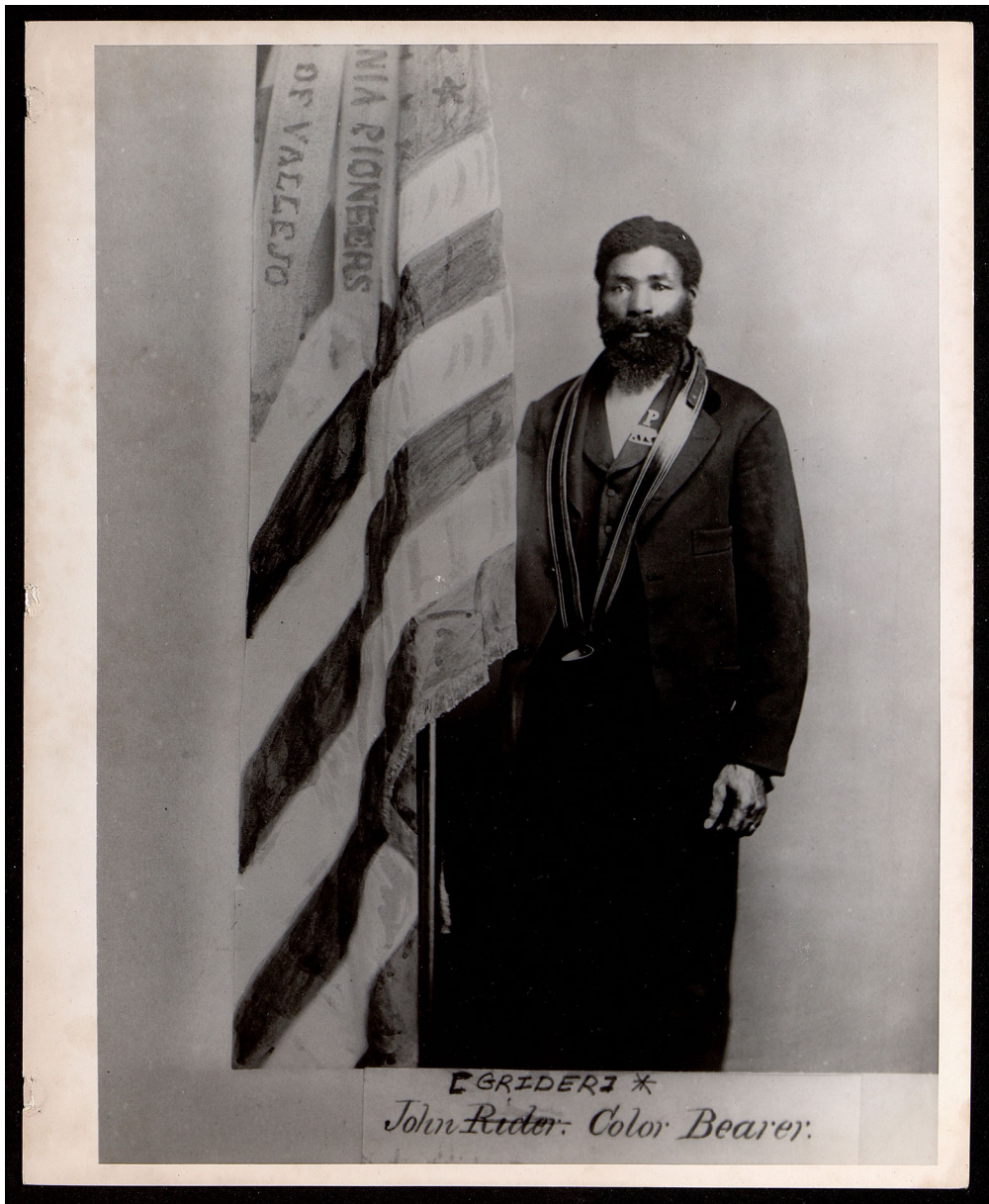
*Courtesy of California Digital Newspaper Collection*

The California State Legislature reinforced the institution of African American slavery by adapting the 1850 federal Fugitive Slave Act, a law designed to control enslaved people within and beyond the antebellum South. The federal act stipulated that federal or state agents in free states must assist slave owners pursuing runaway slaves into free states, but only if the escape took place in a slave state. On April 15, 1852, Democratic governor John Bigler signed the California Fugitive Slave Act. It specified that a slave "brought or introduced" into California before September 1850—the date of California statehood—could be arrested, deemed a "fugitive," and taken to a slave state. The California act became a recurring political flashpoint, much as the federal Fugitive Slave Act was on the national stage. During the 1854 debate over the state law's extension, New Hampshire-born senator Gilbert W. Colby argued against the law. After the Senate adjourned, one of the law's supporters, Charles A. Leake—a former Maryland resident turned California state senator—bludgeoned Colby in the head "with a heavy cane belonging to Mr. Hook." This assault presaged South Carolina representative Preston Brooks's infamous beating of abolitionist Massachusetts senator Charles Sumner, also with a cane to the head, on the U.S. Senate floor fewer than two years later. These attacks underscored the contested nature of enslavement among U.S. lawmakers. Many California voters supported slavery.<sup>31</sup>

Likewise, California's judiciary supported African American slavery, albeit unevenly. In 1849 and 1850, California judges ruled in favor of runaway slaves' freedom at least twice, asserting "the unshackling tendencies which distinguish the spirit of this age." The following year, however, a San Jose judge ordered an escaped African American slave "to be shut up in the public prison, to await his *master's orders*, and in the meantime to be publicly scourged." In the landmark 1851 Frank Case, a San Francisco judge ruled that the 1850 Federal Fugitive Slave Act did not apply to instances in which enslaved people escaped in California. In a jubilant response, the Boston-based abolitionist William Lloyd Garrison wrote in *The Liberator*: "It is gratifying, when the suppliant knee of Boston cringes in the dust before the Slave Power, to know that our sister city on the Pacific stands erect, and that a decision fraught with such beneficent results has been thus early rendered." Garrison praised California's vanguard abolitionism, proclaiming: "We hail it as a happy omen that the land whose doors, on golden hinges turning, have opened to every nation, color and tongue, will remain true to the principles of justice and liberty." Despite Garrison's exuberance, California legislators passed the 1852 California Fugitive Slave Act described above. Abolitionists challenged it in the courts, but California's Supreme Court upheld the act in 1852. The following month, San Francisco attorney James Pratt wrote, "I am told that there are at least 1500 Slaves in the State."<sup>32</sup>

During the 1850s and 1860s, six groups worked to eradicate California's African American slave-labor regime: abolitionists, enslaved people, legislators, voters, judges, and commissioners. African American and white abolitionists, such as Jeremiah B. Sanderson and John C. Frémont, orchestrated campaigns against African American enslavement, liberated slaves by buying them or helping them escape, and drove away enslavers with threats of violence. California's 1855, 1856, and 1857 Colored Conventions—arguably the state's first civil rights conventions—also played important roles, as did California's African Methodist Episcopal Churches and the state's Black newspapers: *The Elevator*, *Mirror of the Times*, and *The Pacific Appeal*. Meanwhile, African Americans such as George Washington Dennis, Sowarie Long, Henry Valle, William Pollock, Ellen Mason, Nathaniel Nelson, "Mrs." Langhorn, Joseph Bathelome, Samuel Shelton, Alvin Coffey, and John Grider (Figure 3) bought their freedom and then paid for the manumission of their relatives. According to the December 4, 1855, edition of the *Grass Valley Telegraph*, "there are 54 who have purchased their freedom in this county. These persons have paid their former masters in the aggregate, \$95,800 in labour, and \$16,950 in cash, making a total of \$112,750."<sup>33</sup>

Others defied slavery through escape. Three enslaved people from Tennessee, mining "near Spanish Ravine," informed their owner, "Dey was now in a free country and slaves no mor." "The law" refused to help their enslaver enforce his claims of ownership, so he abandoned his quest to re-enslave the trio. Unlike the antebellum South, California's vast landscape contained thousands of abolitionists and relatively few enforcers of enslavement. One observer noted in 1850: "Some [slaves] remain with their masters, and work with them under indentures; but the large majority find it as easy to dig gold for themselves as for others, and leave for 'parts unknown' soon after their arrival." Four years later, California assemblyman C. H. McKenney claimed that in "our State . . . slaves, in a large number of instances, had escaped from the persons owning them." Still, some



**FIGURE 3.** Unknown artist, “John Grider, Color Bearer,” ca. 1849. John Grider came to California from Tennessee in 1845, participated in the 1848 Bear Flag Uprising, worked as a miner, and purchased his own freedom in 1850.

*Courtesy of the Miriam Matthews Photograph Collection, University of California, Los Angeles Special Collections*

judges continued enforcing California’s Fugitive Slave Law. As late as April 1855, the *San Jose Telegraph* reported: “A colored boy . . . up before Justice O. H. Allen, arrested under the provisions of the Fugitive Slave Law.”<sup>34</sup>

That same month, legislators let California’s Fugitive Slave Law lapse, weakening the institution of African American enslavement in California. State residents remained

bound by federal law to enforce the U.S. Fugitive Slave Act, but California authorities no longer allowed enslavers to deport African Americans whom they had voluntarily brought to the state.

In 1856 and 1858, judges handed down decisions that finally abolished African American chattel slavery in California. On January 21, 1856, the first judge of the Southern District of California, Benjamin Hayes, ruled that Bridget “Biddy” Mason, who had been enslaved to Mississippian Robert Marion Smith for five years in California, was free. The coup de grace came with the landmark 1858 Archy Lee cases. In 1857, with California’s Fugitive Slave Law already defunct, the Mississippian Charles A. Stovall brought his father’s slave, Archy Lee, to Sacramento. After three successive court cases, U.S. commissioner (and Southerner) George Penn Johnston declared “Archy to be no fugitive slave, and therefore a free man, under the laws of the United States.” This was California’s last fugitive slave case. Its resolution severed the servitude circuits that linked California to the antebellum South.<sup>35</sup>

Nevertheless, struggles for equality continued as African American immigration to California increased. Historian Dwayne Mack noted that by 1862, “California had the largest number of free blacks in the West.” California legislators ratified the Thirteenth Amendment on December 19, 1865, banning slavery. Still, challenges remained. In the 1860s, California was the only state that neither rejected nor ratified the Fourteenth Amendment with its citizenship, due process, and equal protection clauses. On January 28, 1870, California legislators refused to ratify the Fifteenth Amendment and the terms of Reconstruction, thus aligning the state with anti-Reconstruction forces in the South. African American chattel slavery remains California’s best-known example of unfree labor and perhaps the easiest to understand because of its close connections with the Atlantic World slavery paradigm. However, Chilean debt peonage was larger, more widespread, and today is mostly forgotten.<sup>36</sup>

## CHILEAN DEBT PEONAGE

Beginning in the early nineteenth century, Chile was strategically positioned along the sealand linking the Atlantic to San Francisco, via the Cape Horn Route. The fact that San Francisco was only five thousand nautical miles north of Chile’s main entrepot, Valparaíso, meant that its citizens learned of California gold within months of James Marshall’s January 1848 strike. By August, several ships bearing California gold had reached Chilean ports. Chile soon became overcome with *la fiebre de oro* (gold fever). The problem for many Chileans was getting to “El Dorado.”<sup>37</sup>

For most Chileans, the transpacific journey north to San Francisco was prohibitively expensive. As itinerant laborers learned of California’s glittering possibilities, many signed with Chilean companies, contracting to repay their travel expenses by mining for *patrones* (bosses). Chile formally abolished chattel slavery in 1823, but coercive labor arrangements built upon centuries of seasonal, migratory debt peonage were common throughout Latin America. *Peonaje* (debt peonage) in California thus extended a centuries-old Hispanic regime of unfree labor to its northernmost limit. This south-north Pacific World circuit of servitude transmitted both ideas and workers. It is difficult to quantify precisely how

many Chilean debt peons sailed to California, because many labor contracts—as noted in the January 8, 1849, edition of *El Mercurio de Valparaíso*—were *contratos de palabra*, verbal agreements between Chileans and contract agents.<sup>38</sup>

When it trimmed its sails on September 12, 1848, the 290-ton *Virginia*, chartered by Valparaíso's wealthiest man, José Waddington, became the first vessel to bring Chilean prospectors to California. By December 1849, ninety-two of Chile's 119 registered ships languished off San Francisco while their passengers and crews trekked to the mines or tested their entrepreneurial skills in California's frontier towns. Forty-niner William M. Case was not exaggerating when he recalled that "contract labour from Chili [*sic*] was also obtained, and it was estimated that by the mid-summer of 1849 as many as five thousand such labourers were at work on the California placers." Approximately eight thousand Chileans came to California between 1848 and 1853, and more than half of them were debt peons (Figure 4).<sup>39</sup>

Most Chilean peons were male. A few worked in California's cities and towns, but a majority labored in the central and southern mines of the Sierra Nevada foothills. Much as in the case of California Indian servitude, Republican free-labor ideology, a cluster of diverse—and sometimes divergent—ideas, became the banner under which whites rhetorically, legally, and physically attacked Chilean *peonaje*. As early as 1848, some Yankees begrudged upper-class Chilenos who arrived with hundreds of peons. At a time when debates over slavery suffused U.S. national politics, the presence of indentured South Americans—like that of enslaved African Americans—challenged California's free-state status. *Californian* editor B. R. Buckelew wrote on March 15, 1848: "We left the slave States because we did not like to bring up a family in a miserable, can't-help-one's-self condition; which fate would be inevitable to a family of respectability, surrounded by slavery."<sup>40</sup> The idea that workers and employers could enter into agreements at will was, in the words of labor historian David Brody, "the core legality underpinning a conception of free labor that imagined American labor relations as a universe of independent and equal individuals."<sup>41</sup> The reality of foreign debt peons toiling for their bosses in the diggings conflicted with the ideal of the self-made man.

The successes of Mexican and Chilean miners bred resentments among many white prospectors who deployed unfree-labor rhetoric to attack their perceived economic competitors and racial enemies. U.S. Navy officer Joseph Warren Revere (Paul Revere's grandson) commented that "the luckiest miners were always the Mexicans and South Americans . . . although lazy, and indeed useless in other employments." Sharing this prejudice, forty-niner Kimball Webster concluded: "There were also many Mexicans and Chilians [*sic*] at work in the mines. . . . Many of them were very treacherous, being mixed breeds, and if possible, worse than the Sidney Ducks [Australians] . . . and I believe more treacherous than the North American Indian."<sup>42</sup>

Some whites perceived wealthy Chileans as among the most egregious violators of the Republican free-labor ideology that dominated many of California's mining districts. José Ramirez and his business partner Juan Sampson used at least ten, but perhaps as many as thirty, Chilean peons to work their Yuba River claims in 1849. Vicente Pérez Rosales, a diplomat and adventurer who chronicled the Chilean role in California's gold rush, also reported the presence of indentured workers in his group. When departing from



**FIGURE 4.** A Chilean couple in James Mason Hutchings, "The World in California," *Hutchings' Illustrated California Magazine* 1 (March 1857): 387.

*Courtesy of the Beinecke Rare Book & Manuscript Library, Yale University, New Haven, Connecticut*

Valparaíso, he related, “four brothers, a brother-in-law, and two trusted servants made up our expedition to California.” Other well-off Chilean prospectors, such as José Antonio Alemparte and Pablo Zorrilla, formed large mining companies, each of which included as many as fifty-one peons. In his diary, the Argentine-Chilean Ramón Gil Navarro referred to eleven separate Chilean mining companies—all using *peones*—in California.<sup>43</sup>

Legal registries in Santiago and Valparaíso contain substantial evidence indicating that legions of unfree laborers sailed north for California. On September 12, 1848, eight men—José Bustamante, Felipe Carabajal, Cruz Dias, Juan Ferreira, Bernabé Morales, José Tomás Garrido, Santos Vergara, and José Videla—met with Valparaíso notary public José Felipe Gandara to have their labor contracts notarized. According to Chilean state records, these men became the debt peons of their fancifully named Anglo-American *patrón*, Don Santiago “James” King of William (Figure 5). They agreed “to work [in California] for the space of one year . . . obliging themselves to faithfully respect the orders that they will be given.” King of William in turn contracted to purchase passage for his *peones*, house them, and pay them twelve to thirteen Chilean pesos per month. The party then boarded the *Virginia*, joining dozens of San Francisco-bound Chileans. Before sailing for California, hundreds of other Chilean workers signed similar notarized *peonaje* contracts.<sup>44</sup>

Chilean peonage in California provoked Anglo-American ire. Interethnic tensions in the mines were already high when the first major confrontation over peonage occurred in December 1849. On the North Fork of the Calaveras River near San Andreas, a Valparaíso entrepreneur was mining a lucrative claim with a large group of Chilean peons. James J. Ayers, one of the Anglo-Americans who participated in the ensuing confrontation, recounted: “Situated on an elevated flat, about two miles from our camp, was a settlement of Chilean miners. One Dr. Concha was the chief and moving spirit in this settlement, supported by some eight or ten lieutenants. The rest of the people consisted of peons whom they had brought from Chile, and who stood in relation to the headmen as dependents, in fact as slaves.” According to Ayers and other nearby whites, Concha routinely staked out choice claims under the name of each peon in his service.<sup>45</sup>

Aggrieved by what they perceived to be Dr. Concha’s unfair attempts to control a large swath of mineral-rich territory, in late December 1849 Calaveras County whites met en masse, elected a judge named W. Collier, and drafted a resolution ordering all foreigners to leave the county within fifteen days. After Chileans resisted, Anglo-Americans ransacked the Chilean camp, seized several men at gunpoint, and hanged at least one of them.<sup>46</sup>

In response, a few Chileans packed their mules and left. The indomitable Dr. Concha was not so easily intimidated. He appealed to a regional judge in Stockton named Reynolds who provided a writ for the arrest of the offending whites. When the Chileans tried to serve the writ, violence ensued. Over several days, both sides took prisoners, and at least two whites and two Chileans soon lay dead. Several hundred Anglo-Americans eventually got the upper hand. An impromptu vigilante court hastily condemned three Latino miners. On January 12, 1850, whites hanged two Chileans and a Mexican. In his journal, Gil Navarro transcribed the last words of his countryman, Terán, who cried out, “I only regret not being able to kill two or three more of these bandits before dying.”<sup>47</sup>





**FIGURE 5.** Robert H. Vance, “[James King of William (1822–1856)],” ca. 1855. James King of William brought nine Chilean debt peons from Valparaíso to San Francisco in 1848. Upon arrival, six of these men ran away. King of William’s mining fortunes did not pan out. He became a banker and later the editor of the widely circulated *San Francisco Bulletin*. Political rival and city supervisor James P. Casey murdered King of William on May 14, 1856.

*Courtesy of the Bancroft Library, Berkeley, California, BANC PIC 1905.16242:096-CASE*

This violent episode ended with at least half a dozen men dead and no resolution in sight. With a cunning rhetorical twist, California Constitutional Convention delegate Morton McCarver of Sacramento used the example of anti-Chilean violence in the mines to argue against the admission of *free* African Americans to California. As he told the California Constitutional Convention, “you will see the most fearful collisions that have ever been presented in any country. You will see the same feeling, only to a much greater extent, that has already been manifested against the foreigners of Chili [*sic*]. It is the duty of the Legislature to provide against these collisions.” Many Chilean debt peons thought otherwise. Instead of waiting for long-overdue government protection, they began undermining the Chilean *peonaje* system by running away, as did six of King of William’s peons. Others served the duration of their peonage contracts and transitioned to independent mining or other occupations.<sup>48</sup>

Anglo-American violence also drove many Chileans out of California. On July 15, 1849, a notorious white gang known as the Hounds, or Los Galgos to Spanish speakers, ransacked San Francisco’s Chilecito (Little Chile) in the city’s North Beach neighborhood. Eyewitness Moses Pearson Cogswell wrote that the Hounds looted Chileno dwellings, burned down buildings, murdered several Chilean men, “ravished their women, and committed other shameful outrages.”<sup>49</sup>

The Hounds’ assault on Chilecito was not an isolated incident. Throughout California, Chileans suffered scores of lynchings, public murders in which vigilantes claimed to kill in the name of popular justice or some higher moral authority. Many historians of the United States associate lynching with white-on-black violence in the South. However, it was a common and decidedly multiracial occurrence in gold rush California. At Stockton in 1849, Anglo-Americans accused twelve Chileans of murdering three whites. A miner wrote of the incident: “Twelve were taken to the murder spot and nine were shot and three were hung without trial.” Such impromptu executions of Latinos were widespread. After examining the records of 162 California lynchings between 1850 and 1855, scholar Ken Gonzales-Day found that the victims included at least sixty-four individuals of Chilean or Mexican heritage. At times, state and federal policymakers played crucial roles in the abolition of California’s systems of servitude. In this case, authorities turned a blind eye to attacks on Latinos.<sup>50</sup>

Extrajudicial violence drove many Chileans—including debt peons—out of the Golden State. The abolition of Chilean *peonaje* in California, by 1853, was not the product of legislation or court rulings. Rather, bloodshed impelled a Chilean exodus, crippling this un-free-labor regime. Hearing reports of assaults against its citizens in California, the Chilean Congress appropriated 40,000 pesos to contract ships for their rescue and safe passage home. “Kip,” an Albany lawyer who spent six months mining in the Mokelumne region, remarked in 1850 that “the Chilians [*sic*] also have been gradually disappearing, being taken back free in vessels chartered by their own government.” Departing California during the waning days of 1849, Pérez Rosales felt that his golden hopes had been dashed by Yanqui nativism. Even so, the adventurer was contented with the impression that he and his compatriots had made on California’s Anglo-Americans: “We went for wool and, like so many others, we came back shorn, but satisfied because we had steadfastly stood our ground till we had fired our last shot.”<sup>51</sup>

## CHINESE CAPTIVE SEX WORKERS

Even as Chileans sailed south, Chinese journeyed east to Jinshan, or Gold Mountain, as they called the North American West. This double movement severed one Pacific World circuit of servitude even as another emerged. California became one point in a constellation of diasporic southern Chinese communities, which historian Henry Yu has called the “Cantonese Pacific.” Over time, California also became a node in a network of unfree-labor circuits radiating out from southern China, carrying workers and servitude regimes to destinations across the Pacific and beyond. According to historians José Moya and Adam McKeown, some 750,000 Chinese emigrants were indentured between 1840 and 1940, most ending up in Peru, Sumatra, Malaya, the South Pacific, and Cuba. However, despite popular misconceptions, indentured Chinese “coolie” labor did not flourish in California. The hotly debated credit-ticket system—by which Chinese men worked to pay off passage to California—did, but it is not a focal point of this essay. Unfree Chinese sex workers came to California via a new, more coercive, east-west transpacific circuit of bound labor.<sup>52</sup>

Not all Chinese women who arrived in California were unfree. Some found employment as laundresses, seamstresses, and cooks. Others worked in the sex trade. A few Chinese madams ascended San Francisco’s social ladder by selling services to wealthy clients. “The first Chinese courtesan who came to San Francisco was Ah Toy,” wrote Elisha Oscar Crosby. The former New York lawyer continued, “She arrived I think in 1850 and was a very handsome Chinese girl. She was quite select in her associates, was liberally patronized by the white men and made a great amount of money.” Within her first year ashore, she was running her own brothel on Pike Street. Unlike many of her contemporaries, the English-speaking Ah Toy routinely used the court system to assert her professional stature in Chinatown, collect unpaid debts, and sue patrons who tried to swindle her by substituting brass filings for gold.<sup>53</sup>

Despite her early professional successes, Ah Toy’s fortunes deteriorated. On November 19, 1855, the *Sacramento Daily Union* noted, “MISS AH TOY.—This celebrated Chinese courtesan tried to destroy her life on Thursday night, in San Francisco, by swallowing poison.”<sup>54</sup> Two years later she sailed for China, promising never to come back. Yet business prospects proved too tempting. Ah Toy returned in 1859. San Francisco police soon arrested her for running a “disorderly house.” She spent the remainder of her days in obscurity until her 1928 death in San Jose, three months short of her hundredth birthday.<sup>55</sup>

Ah Toy’s story is revealing for multiple reasons. The date of her return to California and her subsequent arrest coincided with the end of independent Chinese prostitution in the state. By 1859, southern Chinese *tongs* (secret societies) had usurped the Chinese sex trade in California. These syndicates, whose origins date to the Han Dynasty (206 BCE–220 CE), implemented their coercive system on North America’s western shores. Like unfree American Indian and Chilean labor regimes in California, tong-organized captive prostitution extended preexisting Pacific World patterns of servitude and violence to control unfree workers. An 1859 issue of the *Daily Alta California* reported:

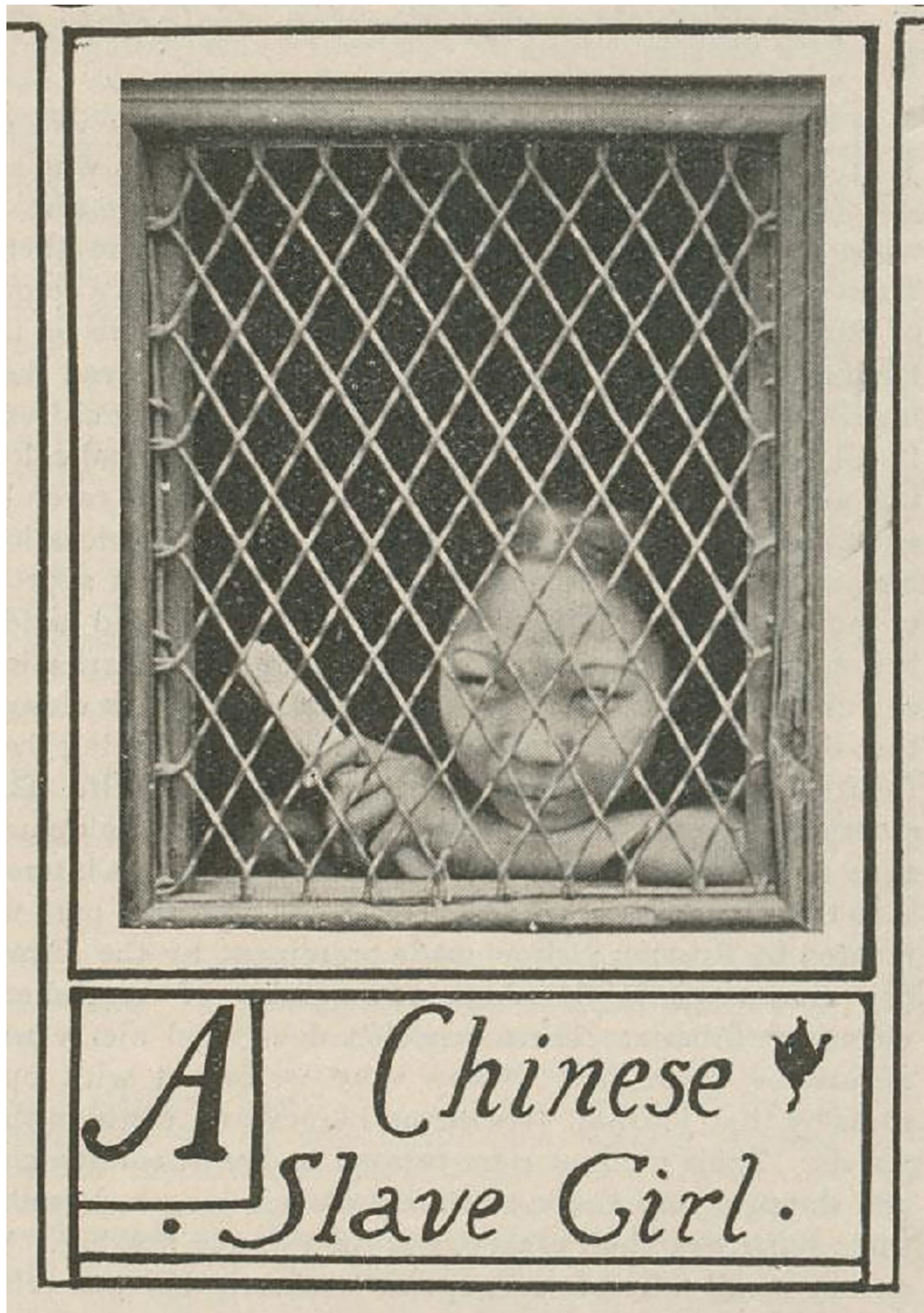
Yesterday morning, a poor, miserable Chinese woman was found in Sullivans alley, in a state of insensibility. She had slidden [*sic*] down from the roof of the house, and was probably injured by the fall. . . [T]hrough an interpreter she informed the officers that she had been cruelly beaten by the keeper of a Chinese brothel, and exhibited the marks of the blows upon her back, which was literally black and blue. She says she was sold in China to the woman who beat her, for \$400, and since her arrival here she has been forced to lead a life of prostitution, and when she refused she has met with blows.

In the words of sociologist Lucie Cheng, from this period onward, Chinese prostitution in the United States remained “a semifeudal organization until the twentieth century.” As historian Peggy Pascoe noted, “Chinese prostitutes were particularly powerless; in fact, many were kept in conditions that render some truth to the sensational stereotype of the ‘Chinese slave girl.’ Some were indentured, with few hopes of paying off their contracts; others were virtually enslaved. Most were under the control of tong leaders and their henchmen, many of whom operated with the collusion of white officials (Figure 6).”<sup>56</sup>

The Hip Yee Tong—an international criminal organization—dominated the transpacific trade in Chinese women, importing an estimated six thousand of them to California between 1852 and 1873. For Chinese women held as captive sex workers by San Francisco tongs, a few city blocks demarcated the geography of their confinement. *Daily Alta California* editors explained in 1855: “A correspondent calls our attention to the Chinese houses of ill-fame lining Dupont street [now Grant Street], between Sacramento and Washington. . . . We believe that no other city in the Union is afflicted with more thoroughly degraded specimens of prostitution than San Francisco.” Unlike other sites of San Francisco sex work, Chinatown offered customers a modicum of anonymity and legal impunity. Here, too, local authorities protected and sustained captive Chinese prostitution.<sup>57</sup>

Sacramento legislators, San Francisco officials, and diplomats on both sides of the Pacific eventually moved against this arrangement. In 1866, California legislators passed the “Act to Suppress Chinese Houses of Ill Fame.” The following year, San Francisco’s Chinese community and city officials challenged the importation of Chinese sex workers. In March 1867, the *Sacramento Daily Union* reported: “Several Chinese girls, who arrived by the Colorado, will be sent back to China, Chinese merchants and Chief Crowley having ascertained that they were to be sold into prostitution.”<sup>58</sup> With the 1868 Treaty of Tianjin (also known as the Burlingame Treaty), China’s Qing government and the U.S. Senate cooperated in an attempt to sever the unfree-labor circuit linking China to California. Yet, by lifting immigration restrictions, the treaty “increased the sale of Chinese women and girls,” according to scholar Jean Pfaelzer. By 1870, almost nine hundred Chinese sex workers lived in the state.<sup>59</sup>

The transpacific trade in Asian females soon became far more arduous. State and federal officials acted upon widespread racist concerns. California legislators passed the 1870 “Act to Prevent Kidnapping and Importation of Mongolian, Chinese, and Japanese Females for Criminal or Demoralizing Purposes.” In 1874, a federal circuit court declared this act unconstitutional, citing immigration policy as the federal government’s exclusive



**FIGURE 6.** Unknown artist, "A Chinese Slave Girl," photograph, Jackson Street, San Francisco Chinatown (?), in Unknown author, "Highbinders & Tong Wars," *The Wave* 20 (July–December 1899), 4. Courtesy of the Bancroft Library, Berkeley, California, xffF850.W186 v. 20:no.30:04

domain. Yet, that same year, California passed an “act to suppress Chinese slavery or involuntary servitude.” Although likely utilizing this issue to justify Chinese exclusion, President Ulysses Grant asserted in 1874 that “the great proportion of the Chinese immigration who come to our shores do not come voluntarily . . . but come under contracts with headmen who own them almost absolutely.” The 1875 Immigration Act, or Page Law, then forbade transporting Asian women into the United States for “lewd and immoral purposes.” Prosecutors soon began employing this new law. In January 1876, the *Sacramento Daily Union* discussed the U.S. Supreme Court case of Chy Lung, “the owner of twenty-two Chinese women brought to San Francisco,” who had failed to pay the \$500 bond required by the Page Act. California’s new 1879 Constitution subsequently promised “to prohibit the introduction into this State of Chinese.”<sup>60</sup>

These laws dramatically curtailed both free and unfree female Chinese immigration to the United States. As ethnic studies professor Ronald Takaki noted, between 1876 and 1882, 68 percent fewer Chinese women entered the United States than had done so during the previous seven years. The federal government’s 1882 Chinese Exclusion Act severely limited the migration of Chinese men and women until its 1943 repeal. Whereas violence drove Chilean debt peons from California, immigration policies barred unfree Chinese women from entry, effectively severing this transpacific circuit of servitude.<sup>61</sup> Nevertheless, campaigns against unfree Chinese sex work in California lasted for decades.

Those who criticized captive Chinese prostitution and the trade in Chinese females included humanitarians, Victorian moralists, and unvarnished racists. Anti-Chinese politicians invoked images of bonded Chinese workers to bolster xenophobic platforms, agendas asserting that servile Chinese, much like Chilean peons, threatened the institution of free white labor. As early as 1854, the *Daily Alta California*’s editors employed emphatically racist language when announcing the disembarkation of Chinese travelers at San Francisco: “MORE CHINESE.—No less than seven hundred and eighty of the long tailed children of the Celestial Empire arrived here yesterday in the *Lord Warriston* from Hong Kong. One hundred and forty of this immigration were of those delectable specimens of humanity, Chinese females. This vicious and disgustingly filthy population is growing upon us with great rapidity.”<sup>62</sup> Once again, white supremacists deployed racist rhetoric to serve their own interests.

Despite a barrage of legislation targeting the practice, many Chinese females remained captive sex workers in California. In 1875, “a Chinaman complained at the Police station yesterday afternoon that a Chinese girl was serving as a slave in a den on Spofford alley [in San Francisco’s Chinatown], and she was anxious to be released. Officers Harty and McKeena went after her and rescued the girl. On her person they found the bill of sale, and they succeeded in arresting the woman who sold her, Ah Yet, but as yet they have not found the purchaser. Ko Tie, she who was so tied in bondage, has been sent to the Chinese Mission.”<sup>63</sup> Recalling an 1887 visit to San Francisco, Ohio writer R. N. Willcox described Chinese prostitutes as “really property” owned “by their master[s].” Although probably exaggerating, Willcox claimed that “at one time” there were “over 20,000” such women in California. As late as 1901, the *San Francisco Call* reported on “Ho Ah Yow, a Chinese female slave . . . released from custody.” That year, state legislators passed a law against “bringing or landing Chinese or Japanese woman [sic] for the purpose of sale,” as well as



I, Ah Kam, being poor and not having anyone on whom to depend, make this agreement, by which to obtain \$460 with my person. The middle party in this transaction, Loui Fung, having introduced me to Lang Kui, and having the promise of the latter to pay this debt for me, besides passage money and other expenses, we three are agreed, and to-day the transaction has taken place; not a cent now is owing to Loui Fung. The money having actually changed hands, first into the hands of myself, Ah Kam, and I am this day handed over to Lung Kai, to be taken to California for immoral purposes. The time of service is agreed to be four and one-half years with no pay for the service on the one hand and no interest for the money on the other. Fourteen days of sickness will not be taken notice of, but fifteen days of sickness will have to be made up by serving an additional month. In case of pregnancy an additional year has to be served. As to any expected calamities happening that may happen to anyone, that will be left to the decree of heaven. Should I upon arrival at California attempt to escape, or should refuse to be a prostitute, I agree irrevocably that Lung Kai should sell me at pleasure. Lest word of mouth should not be proof, this instrument is drawn up to be such.

Kwong Sui 17th year, 9th month, 1st day (Oct. 1st, 1899).

Ah Kam (her mark).

**FIGURE 7.** John Endicott Gardner, “Translation of a Bill of Sale Drawn Up in the Guise of a Promissory Note” (October 1, 1899), in United States Industrial Commission, *Reports of the Industrial Commission on Immigration: Including Testimony, with Review and Digest, and Special Reports . . .* (Washington, DC: Government Printing Office, 1901), vol. 15: 771–772.

*Courtesy of U.S. Government Printing Office, Washington, DC*

a host of laws related to the abduction of women, including “for purpose of prostitution” (Figure 7). In 1913, California voters ratified the Red Light Abatement and Injunction Act, which outlawed all houses of prostitution and helped suppress sex slavery.<sup>64</sup>

An array of actors contributed to the decline of captive Chinese sex work in California. Bound Chinese prostitutes played important roles. According to Pfaelzer, “hundreds of Chinese women and prostitutes fled from slavery.” Others facilitated their own rescue or committed suicide. The 1882 Exclusion Act curtailed many human trafficking options for the tongs, while internecine warfare among these secret societies—especially during the

1880s and 1890s—disrupted the sex trade. In addition, Chinatown restaurateurs and merchants who understood the connections among commercial success, moral probity, and social acceptance campaigned to rid their communities of vice.<sup>65</sup>

Victorian women's Christian associations also played a crucial role. Margaret Culbertson's and Donaldina Cameron's Presbyterian Mission Home in San Francisco "rescued" Chinese women. Culbertson, Cameron, and others explicitly framed their work as an abolitionist crusade. Methodist evangelist Mary Grace Charlton Edholm wrote, in 1892:

It was generally supposed that slavery was abolished in the United States during the administration of Abraham Lincoln; yet, if the facts were known . . . there exists in this country, wherever the Chinese have obtained a foothold, a slavery so vile and debasing that all the horrors of negro American slavery do not begin to compare with it. . . . In the work of stopping the sale of women and young girls in San Francisco, the hotbed of Chinese slavery, especial [*sic*] credit is due the Presbyterians and Methodists, who have established homes for the rescue and education of these girls and women.

Cameron claimed to have liberated three thousand captive Chinese females between 1895 and 1934 (Figure 8). Such assertions may have had ideological agendas. Historian Mae Ngai has cautioned, Victorian morality and related efforts to liberate poor and non-white women from servitude were part of a larger attempt to define the Chinese as an immoral race, thereby justifying exclusionary immigration policies.<sup>66</sup>

## TRANSPACIFIC CIRCUITS OF SERVITUDE

California's systems of servitude entrapped tens of thousands between 1846 and 1900. They included at least 20,000 California Indians, as many as several thousand African Americans, four thousand or more Chileans, and perhaps thousands of Chinese women and girls, to say nothing of other groups employed without the freedom to quit. Taken together, the people bound by these regimes were the human faces of much larger Pacific World circuits of unfreedom. In California's history, bonded California Indian labor, African American chattel slavery, Chilean debt peonage, and Chinese captive sex work represented but four nodes on the many circuits that comprised a vast transpacific unfree-labor network.

A variety of actors worked to terminate California's varied regimes of servitude. They included government officials, activists, and, of course, the very people held against their will. These California abolitions were slow, complex, and differed—in time, place, and process—from the abolition of chattel slavery in the Atlantic World. By 1900, most *de jure* forms of unfree California labor had ended, with the exceptions of convict work and debt peonage. Meanwhile, some types of *de facto* servitude, such as illegal captive prostitution, persisted. However, historical treatments of abolition, within and beyond California, have largely overlooked the resilience of servitude. While the number of unfree laborers did decrease as a proportion of the state's population, such systems continued to ensnare women, men, and children.





**FIGURE 8.** Thomas Houseworth, "The Christian Stairway," featuring "rescued" women at the Chinese Girl's Presbyterian Mission Home at 933 Sacramento Street in San Francisco, ca. 1885.  
*Courtesy of the Oakland Museum of California, Oakland, California*

In many ways, California was a microcosm of unfree labor in the western United States, where African Americans, Asians, Latinos, Native Americans, and others worked in a variety of coerced arrangements. These regimes came apart only slowly and unevenly, before, during, and after the U.S. Civil War. Studying the complex and continuing history of California's unfree-labor systems provides a window into the undoing of servitude in the western United States, the even more diverse history of Pacific World abolitions, and the durability of unfreedom in both zones.

Unfree labor persisted in and around the Pacific well past 1900. Some Latin American countries officially banned chattel slavery earlier than California but allowed other forms of servitude to flourish. Chile abolished slavery in 1823 but officially sanctioned debt peonage well into the twentieth century. By contrast, Peru—with a much larger African slave population—did not abolish chattel slavery until 1854. Two decades later, Peru ended the “coolie” trade, which had brought nearly 100,000 captive Chinese workers to South America's western shores. Yet, at virtually the same time, California's most infamous fugitive debtor, Henry Meiggs, innovatively employed the *enganche* system in Chile and Peru. Between 1868 and 1872, *enganchadores*, literally “ones who press or trick others into performing a service,” convinced 30,000 Chilean *rotos* (itinerant landless peasants, literally “ragged men”) to sign debt contracts and travel north to Peru, where they toiled on Meiggs's trans-Andean railroad. Unfree-labor systems were portable and replicable throughout the Pacific World.<sup>67</sup>

More than seven thousand miles across the South Pacific, British officials forcibly relocated more than 161,000 convict laborers to Australia between 1788 and 1868. Although the last of more than eight hundred convict ships reached Western Australia in 1868, the British government did not abolish penal servitude across its empire until 1948. Indeed, de jure convict labor endured through the twentieth century and beyond.<sup>68</sup>

Various coercive labor arrangements also flourished elsewhere around the Pacific. Between 1885 and 1899, 29,069 Japanese “government-contract emigrants” and 40,230 Japanese “private-contract emigrants” crossed the North Pacific to work on Hawaiian sugar plantations, usually under three-year contracts. In 1898, the United States annexed the islands. Two years later, the Organic Act made U.S. laws effective in Hawai'i, thus ending these unfree-labor arrangements. In China, it was not until 1909 that Qing officials banned slavery, decades after most scholars deem the Age of Abolition to have ended. Meanwhile, well into the mid-1900s, *corvée* (unfree) labor underwrote colonial endeavors in the Dutch East Indies and French Indochina.<sup>69</sup>

California's twentieth-century agricultural expansion also relied on an array of coercive work regimes. In 1917, a California farmer explained his treatment of Mexican workers, noting that “we make them work under armed guards in the fields” and “control them at night behind bolted gates, within a stockade eight feet high, surrounded by barbed wire.” In ensuing decades, federal officials coordinated a transnational migratory circuit, conveying 4.6 million Mexican farmworkers to the United States through the Bracero Program (1942–1964). Laboring far from home as a noncitizen underclass, this “reserve army of labor” faced myriad challenges, from poverty wages and poor working conditions to widespread discrimination and a persistent shortage of social services. U.S. Labor

Department official Lee G. Williams, who supervised the Bracero Program during its last five years, described it as “legalized slavery.” Even today, convict labor systems exist on both sides of the Pacific, from China’s work camps (*laogai*) to California’s “Golden Gulag” of industrialized prisons.<sup>70</sup>

In addition to legally sanctioned servitude, circuits of illicit unfree labor persist in the Pacific World, with nodes in California. For example, in 1995, authorities freed seventy-two Thai nationals from an El Monte, California, garment factory. These women and men had toiled for up to eighteen hours a day for little or no pay while contained by razor wire and armed guards. Ensnared by the twentieth-century transpacific unfree-labor trade, some of these workers had been held for up to seven years under threat of retaliation against family members in Thailand.<sup>71</sup>

A global history of bonded work and its ongoing abolitions remains unwritten. Beyond the Atlantic World, a transnational geography of unfree labor exists. Multiple circuits of servitude—involving the movements of bound people, labor-control practices, and ideologies of work—flourished, and remain intact, in the Pacific World and beyond. At the beginning of the twenty-first century, between eighteen and twenty-seven million women, men, and children were working under unfree-labor regimes around the globe. Capitalism—the most dominant system of economic organization in world history—has long harbored a plurality of labor relations.<sup>72</sup>

As historian David Chang has observed, “nodes in global networks sometimes come most clearly into view when we consider sources generated far from the place under consideration.” In California, many disparate circuits of unfreedom converged. Assembling a complete picture of Pacific World unfree-labor regimes—with their unique geographies, varieties, proximity to free labor, violence, and complex circuitry—will require additional detailed case studies. This research agenda can be accelerated by exploring other locations where multiple systems of servitude intersected. Such places include Australia, Chile, Hawai‘i, Indonesia, Mexico, Peru, and the Philippines. A global understanding of unfree labor requires expanding our vision beyond chattel slavery to encompass the many regimes that bound—and continue to bind—human beings around the world. Merging the histories of Pacific and Atlantic World servitude will, of course, be difficult. Even so, such a unified history promises a more complex, nuanced, and accurate understanding of that other peculiar institution, unfree labor.<sup>73</sup>

BENJAMIN MADLEY is associate professor of history and American Indian Studies at the University of California, Los Angeles. His first book, *An American Genocide: The United States and the California Indian Catastrophe, 1846–1873* (2016), won multiple awards, including the *Los Angeles Times* Book Prize for History. His essays have appeared in *The American Historical Review*, *California History*, *European History Quarterly*, *Journal of British Studies*, *Journal of Genocide Research*, *Pacific Historical Review*, *The Western Historical Quarterly*, and *The Los Angeles Times*, as well as in nine edited volumes.

EDWARD D. MELILLO is the William R. Kenan, Jr. Professor of History and Environmental Studies at Amherst College. He is the author of *The Butterfly Effect: Insects and the Making of the Modern World* (2020) and *Strangers on Familiar Soil: Rediscovering the Chile-California Connection* (2015), which won the Western History Association’s 2016 Caughey Prize for the most distinguished book on the American West. His articles have appeared in *The American Historical Review*, *Past & Present*, *Environmental History*, *Environment and History*, *Radical History Review*, *World History Bulletin*, *Pacific Rim Reports*, and *The Conversation*.

## NOTES

The authors thank Peter Blodgett, John Mack Faragher, Michael Magliari, Preston McBride, Franklin Odo, Cecilia Riveros, Theresa Salazar, Ian Shin, Susan Snyder, Claudia Videla, Owen Williams, and the anonymous readers who reviewed this essay.

1. Frederick Douglass, "Slavery Has Been Fruitful in Giving Itself Names," May 10, 1865, in Diane Ravitch, ed., *The American Reader: Words That Moved a Nation* (New York: HarperCollins, 1990), 270–271.
2. On Atlantic World slavery and its abolition, see Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, MA: Harvard University Press, 2016); Marcus Wood, *The Horrible Gift of Freedom: Atlantic Slavery and the Representation of Emancipation* (Athens: University of Georgia Press, 2010); John H. Elliott, *Empires of the Atlantic World: Britain and Spain in America, 1492–1830* (New Haven, CT: Yale University Press, 2006). Slave traders shipped at least 11,863,000 enslaved Africans across the Atlantic. See Paul E. Lovejoy, "The Impact of the Atlantic Slave Trade on Africa: A Review of the Literature," *Journal of African History* 30 (1989): 368.
3. Gunther Peck, *Reinventing Free Labor: Padrones and Immigrant Workers in the North American West, 1880–1930* (New York: Cambridge University Press, 2000).
4. Recent Pacific World histories include Gregory Cushman, *Guano and the Opening of the Pacific World: A Global Ecological History* (New York: Cambridge University Press, 2013); David Iglar, *The Great Ocean: Pacific Worlds from Captain Cook to the Gold Rush* (New York: Oxford University Press, 2013); Matt K. Matsuda, *Pacific Worlds: A History of Seas, Peoples, and Cultures* (New York: Cambridge University Press, 2012); Kornel S. Chang, *Pacific Connections: The Making of the U.S.-Canadian Borderlands* (Berkeley: University of California Press, 2012).
5. Howard Lamar, "From Bondage to Contract: Ethnic Labor in the American West, 1600–1890," in Steven Hahn and Jonathan Prude, eds., *The Countryside in the Age of Capitalist Transformation: Essays in the Social History of Rural America* (Chapel Hill: University of North Carolina Press, 1985), 294; David Brion Davis, "Looking at Slavery from Broader Perspectives," *The American Historical Review* 105 (2000): 454, 113. On Mexican abolition: Dennis N. Valdés, "The Decline of Slavery in Mexico," *The Americas* 44 (1987): 167–194.
6. J. Ross Browne, *Report of the Debates in the Convention of California . . . in September and October 1849* (Washington, DC: John T. Towers, 1850), 4, Appendix: California Constitution, Article I, Sec. 18; D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West, 1850–1890* (Norman: University of Oklahoma Press, 2013); Stacey L. Smith, *Freedom's Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction* (Chapel Hill: University of North Carolina Press, 2013).
7. Seymour Drescher, *Capitalism and Antislavery: British Mobilization in Comparative Perspective* (New York: Oxford University Press, 1996), x. Drescher's Age of Abolition timeframe was the 1780s–1880s. Seymour Drescher, "Whose Abolition? Popular Pressure and the Ending of the British Slave Trade," *Past & Present* 143 (1994): 136–166. On the Somersett Case: Steven M. Wise, *Though The Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery* (Cambridge, MA: Da Capo Press, 2005). For the 1806 Foreign Slave Trade Bill: Great Britain, Foreign Commonwealth Office, *British and Foreign State Papers* (20 vols., London: James Ridgway and Sons, 1837), vol. 5: 541–568. On the nineteenth-century shift in unfree-labor regimes from the Atlantic World to the Pacific World: Edward D. Melillo, "The First Green Revolution: Debt Peonage and the Making of the Nitrogen Fertilizer Trade, 1840–1930," *American Historical Review* 117 (2012): 1028–1060.
8. For an exception to this binary tendency: Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press, 1998).
9. Recent works addressing California Indian bondage include Michael F. Magliari, "Masters, Apprentices, and Kidnappers: Indian Servitude and Slave Trafficking in Humboldt County, California, 1860–1863," *California History* 97 (2020): 2–26; Benjamin Madley, "'Unholy Traffic in Human Blood and Souls': Systems of California Indian Servitude under U.S. Rule," *Pacific Historical Review* 83 (2014): 626–667; Smith, *Freedom's Frontier*; Michael F. Magliari, "Free State Slavery: Bound Indian Labor and Slave Trafficking in California's Sacramento Valley, 1850–1864," *Pacific Historical Review* 81 (2012): 155–192.
10. Stephen Hackel, *Children of Coyote, Missionaries of Saint Francis: Indian-Spanish Relations in Colonial California, 1769–1850* (Chapel Hill: University of North Carolina Press, 2005), 295 (quotation), 296–297; Lorenzo Asisara in Gregorio Mora-Torres, ed. and trans., *Californio Voices: The Oral Memoirs of José María Amador and Lorenzo Asisara* (Denton: Texas A&M University Press: 2005), 95; María Solares, summarized in Carobeth Laird, *Encounter with an Angry God: Recollections of My Life with John Peabody Harrington* (Banning, CA: Malki Museum Press, 1975), 18. For a recent study of American Indian work in California's missions: Benjamin Madley, "California's First Mass Incarceration System: Franciscan Missions, California Indians, and Penal Servitude, 1769–1836," *Pacific Historical Review* 88 (2019): 14–47. On Spanish

- enslavement of Indians throughout North America: Andrés Reséndez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America* (Boston: Houghton Mifflin Harcourt, 2016).
11. James Forsyth, *A History of the Peoples of Siberia: Russia's North Asian Colony, 1581–1990* (New York: Cambridge University Press, 1992), 36–151; Aron Crowell, *Archaeology and the Capitalist World System: A Study from Russian America* (New York: Springer, 1997), 12–53; William Dane Phelps, *Fur Traders from New England: The Boston Men in the North Pacific, 1787–1880: The Narratives of William Dane Phelps, William Sturgis & James Gilchrist Swan*, ed. Briton C. Busch and Barry M. Gough (Spokane, WA: Arthur H. Clark, 1997), 24; Street and Figueroa in Richard Steven Street, *Beasts of the Field: A Narrative History of California Farmworkers, 1769–1913* (Stanford, CA: Stanford University Press, 2004), 100.
  12. Tomás Almaguer, *Racial Fault Lines: Historical Origins of White Supremacy in California*, 2nd ed. (Berkeley: University of California Press, 2009), 48; Albert L. Hurtado, *Indian Survival on the California Frontier* (New Haven, CT: Yale University Press, 1988), 211; Edwin Bryant, *What I Saw in California: Being a Journal of a Tour . . . in the Years 1846, 1847* (New York: D. Appleton, 1848), 448; Walter Murray, “Narrative of a California Volunteer,” C-D 132, 1878, 95, Bancroft Library; E. Gold Buffum, *Six Months in the Gold Mines: From a Journal of Three Years’ Residence in Upper and Lower California, 1847–1849* (Philadelphia: Lee and Blanchard, 1850), xv. For tasks performed by Indians on California ranches: Salvador Vallejo, “Notas históricas sobre California,” C-D 22, 1874, 46, Bancroft Library.
  13. William M’Collum, *California As I Saw It* (Buffalo, NY: G.H. Derby, 1850), 56; Walter Colton, *Three Years in California* (New York: A.S. Barnes, 1851), 434; and William Wiggins, “Reminiscences of William Wiggins who came to California in 1840 on the ‘Lusanne’,” CD-175, 1877, 4, Bancroft Library; Hurtado, *Indian Survival on the California Frontier*, 49; Heinrich Lienhard and Marguerite Eyer Wilbur, trans. and ed., *A Pioneer at Sutter’s Fort, 1846–1850: The Adventures of Heinrich Lienhard* (Los Angeles: Calafia Society, 1941), 68; John Chamberlain, “Memoirs of California Since 1840,” C-D 57, 1877, 20, Bancroft Library; John A. Sutter, “Reminiscences,” C-D 14, 1876, 45, Bancroft Library.
  14. *Californian* (Monterey), November 7, 1846, 2.
  15. *California Star* (San Francisco), September 18, 1847, 3.
  16. *New York Herald*, August 19, 1848, 1; John M. Letts, *California Illustrated; Including a Description of the Panama and Nicaragua Routes* (New York: R.T. Young, 1853), 63.
  17. Browne, *Report*, Appendix, iv.
  18. H. S. Lyman, “Reminiscences of Wm. M. Case,” *The Quarterly of the Oregon Historical Society* 1 (1900), 288; Albert Hurtado, *John Sutter: A Life on the North American Frontier* (Norman: University of Oklahoma Press, 2007), 253.
  19. California, *Statutes of California, Passed at the First Session of the Legislature* (San Jose, CA: J. Winchester, 1850), 408–410.
  20. California Superintendent of Indian Affairs Beale to Commissioner of Indian Affairs Lea, Sept. 30, 1852, S. Doc. 57, 32nd Cong., 2nd Sess., serial 665, 1853, 9.
  21. California, *The Statutes of California, Passed at the Eleventh Session of the Legislature*, 1860 (Sacramento: Charles T. Botts, 1860), 196–197; Robert Heizer, “Indian Servitude in California,” in Wilcomb E. Washburn, ed., *Handbook of North American Indians* (Washington, DC: Smithsonian Institution, 1988), 4:415.
  22. Edith V. A. Murphey and Lucy Young, “Out of the Past: A True Indian Story Told by Lucy Young, of Round Valley Indian Reservation,” *California Historical Quarterly* 20 (1941): 358; E. W. Inskeep to Editors, April 28, 1858, and editor in *Red Bluff Beacon*, May 5, 1858, 2.
  23. For the Civil War as a turning point in California politics: Leonard L. Richards, *The California Gold Rush and the Coming of the Civil War* (New York: Vintage, 2007), 229. For California repeals: California, *The Statutes of California, Passed at the Fourteenth Session of the Legislature, 1863 . . .* (Sacramento: Benj. P. Avery, 1863), 743. For quotation: *California Police Gazette* (San Francisco), August 26, 1865, 2.
  24. Robert A. Brady and U.S. House of Representatives, *The Constitution of the United States of America . . .* (Washington, DC: GPO, 2007), 16; 18 U.S. Code, Chapter 77 § 1581–1588; Rob’t J. Stephens, Special Commissioner, & c. to Hon. Lewis V. Bogy, Commissioner of Indian Affairs, January 1, 1867, in United States, *Report on Indian Affairs, by the Acting Commissioner, for the Year 1867* (Washington, DC: GPO, 1868), 117.
  25. Creed Haymond and John C. Burch, eds., *The Penal Code of the State of California* (San Francisco: A.L. Bancroft, 1874), 455; *People v. McGuire*, 45 Cal. 56 (1872); Charles Nordhoff, *Northern California, Oregon, and the Sandwich Islands* (New York: Harper, 1874), 166; California, *Statutes of California, Extra Session of the Fifty-First Legislature 1936 . . .* (Sacramento: J. Winchester, 1937), 1180.
  26. Theodore Henry Hittell, *History of California* (San Francisco: N.J. Stone, 1885–97), 2:115; Rudolph M. Lapp, *Blacks in Gold Rush California* (New Haven, CT: Yale University Press, 1977), 65; Stacey Leigh Smith, “Remaking Slavery in a Free State: Masters and Slaves in Gold Rush California,” *Pacific Historical Review* 80 (2011), 29 n2. For a study of pro-slavery politics and attempts to extend African American

- slavery into the West: Kevin Waite, *West of Slavery: The Southern Dream of a Transcontinental Empire* (Chapel Hill: University of North Carolina Press, 2021).
27. For Los Angeles: Delilah L. Beasley, *The Negro Trail Blazers of California: A Compilation of Records from the California Archives in the Bancroft library at the University of California* (Los Angeles: Times Mirror, 1919), 90. For Redding: Alvin Coffey in Lapp, *Blacks in Gold Rush California*, 70. For Sierras: *Grass Valley Telegraph*, December 4, 1855, 2. For quotations: T. Dwight Hunt in *The Liberator* (Boston), June 29, 1849, 3; *Daily Alta California* (San Francisco) [hereafter DAC], May 4, 1850, 2.
  28. February 24, 1850, advertisement in *Jackson Mississippian*, in *Placer Times* (Sacramento), May 1, 1850, 1; James Gadsen to General Thomas Jefferson Green, December 7, 1851, in “William A. Leidesdorff Papers, 1840–1867,” box 6, reel 2, Huntington Library; California, *Journal of the Proceedings of the Assembly of the State of California, of the Third Session of the Legislature* (San Francisco: G.K. Fitch and V.E. Geiger, 1852), 159; Memorial to the California Legislature in Richards, *California Gold Rush and the Coming of the Civil War*, 126–127.
  29. Clyde A. Duniway, “Slavery in California after 1848,” *Annual Report of the American Historical Association* 1 (1905): 25. For a court-recorded “emancipation contract”: E. H. Taylor et al., “California Freedom Papers,” *The Journal of Negro History* 3 (1918), 48.
  30. Richard Ness, “Overland Journal to the Pacific Coast,” WA MSS S-709, Beinecke Library; California correspondent, *N.Y. Journal of Commerce* in *Liberator*, August 30, 1850, 4. For Yuba County incident: DAC, July 20, 1851, 2.
  31. George Minot, ed., *The Statutes at Large and Treaties of the United States of America* (18 vols.) (Boston: Little, Brown, 1862), vol. 9: 462–465; “An Act respecting Fugitives from labor, and Slaves brought into this State prior to her admission into the Union,” in California, *Journal of the Third Session of the Legislature . . .* (San Francisco: G.K. Fitch and V.E. Geiger, 1852), 274–278; California, *Journal of the Proceedings of the Assembly*, 3rd session (n.p., 1852), 581–582. In 1853, legislators extended the act for another year. See *Sacramento Daily Union* [hereafter SDU], April 11, 1853, 2; DAC, April 15, 1853, 2; *Sacramento Union* in *Columbia Gazette*, Apr. 22, 1854, 2. For 1854 extension: DAC, March 20, 1854, 2; SDU, April 13, 1854, 3. California, *Journal of the Senate*, 5th session (1854), 411; California, *Journal of the Assembly*, 5th session (1854), 255–257. For Brooks’s attack: David Herbert Donald, *Charles Sumner and the Coming of the Civil War*, 2nd ed. (Naperville, IL: Sourcebooks, 2009), 246–247.
  32. For quotation: DAC, May 29, 1850, 2. For case 1: *New Orleans Picayune*, November 30, 1849, 1. For case 2: *Liberator* July 19, 1850, 3. CIVIS, San Jose (February 7, 1850), in DAC, February 16, 1850, 2. California Supreme Court Justice Bennett granted a writ of habeas corpus for the slave’s release only after “the negro had been delivered to his master.” DAC, 31 March 1851, 2; DAC, April 1, 1851, 2. For Garrison’s response: William Lloyd Garrison, “Freedom in California,” *Liberator*, May 9, 1851, 3. For more on the Perkins Case: Ray R. Albin, “The Perkins Case: The Ordeal of Three Slaves in Gold Rush California,” *California History* 67 (1988): 222. James Pratt to [Cornelius] Cole, June 3 or June 30, 1852, folder 1, box 2, Cole family Papers, 1833–1943, Collection 217, UCLA Library Special Collections.
  33. *Proceedings of the First State Convention of the Colored Citizens of the State of California . . .* (Sacramento: Democratic State Journal Print, 1855); *Proceedings of the Second Annual Convention of Colored Citizens of the State of California* (San Francisco: J.H. Udell and W. Randall Printers, 1856); *Report on the State Convention of the Colored People of California, San Francisco, October 1857* (San Francisco: n.p., 1857). For more on Colored Conventions: [www.coloredconventions.org](http://www.coloredconventions.org); and P. Gabrielle Foreman, Jim Casey, and Sarah Lynn Patterson, eds., *The Colored Conventions Movement: Black Organizing in the Nineteenth Century* (Chapel Hill: University of North Carolina Press, 2021). For California’s Black nineteenth-century newspapers: Frederick Law Olmsted, *Cotton Kingdom: A Traveller’s Observations on Cotton and Slavery in the American Slave States* (2 vols.) (New York: Mason Brothers, 1861), vol. 2: 136; Rudolph M. Lapp, “Jeremiah B. Sanderson: Early California Negro Leader,” *The Journal of Negro History* 53 (1968): 321–33. For the threat of violence: Edwin A. Sherman, “Sherman Was There: The Recollections of Major Edwin A. Sherman [continued],” *California Historical Society* 23 (1944): 351. Names appear in Beasley, *Negro Trail Blazers of California*, 69–71; Sharon McGriff-Payne, *John Grider’s Century: African Americans in Solano, Napa, and Sonoma Counties from 1845 to 1925* (Bloomington, IN: iUniverse, 2009), 12, 15. For more enslaved people buying their freedom: C. W. Haskins, *The Argonauts of California; Being the Reminiscences of Scenes and Incidents That Occurred in California in Early Mining Days* (New York: Fords, Howard & Hulbert, 1890), 70; *Grass Valley Telegraph*, December 4, 1855, 2.
  34. Haskins, *Argonauts of California*, 70; H., “To the Editor,” May 31, 1850, in *The National Era* (Washington, DC), July 11, 1850, 3; McKenney, paraphrased in DAC, March 20, 1854, 2; *San Jose Telegraph*, April 5, 1855, 2.
  35. Tricia Martineau Wagner, *African American Women of the Old West* (Guilford, CT: Rowman & Littlefield, 2007), 1–12. For case details: *Daily California Chronicle*, April 7, 1858, 2, and April 15, 1858, 2; William E. Franklin, “The Archy Case: The California Supreme Court Refuses to Free a Slave,” *Pacific Historical Review*, 32 (1963): 137–154. Quotation in DAC, April 15, 1858, 1.

36. Dwayne Mack, "The Black West," in Benjamin H. Johnson, ed., *Making of the American West: People and Perspectives* (Santa Barbara, CA: ABC-CLIO, 2007), 141. For California and Fourteenth Amendment: Brady and U.S. House of Representatives, *Constitution of the United States of America as Amended*, 16. California ratified the Fourteenth Amendment on May 6, 1959. For Fifteenth Amendment: Brady and U.S. House of Representatives, *Constitution of the United States of America as Amended*, 17; California, *Journal of the Assembly*, 17th session (1867–1868), 52–53.
37. Enrique Bunster, *Chilenos en California: miniaturas históricas* (Santiago: Editorial del Pacífico, 1970), 87; Edwin A. Beilharz and Carlos U. López, eds., *We Were 49ers!: Chilean Accounts of the California Gold Rush* (Pasadena, CA: Ward Ritchie Press, 1976), xiii.
38. "Las noticias de California," *El Mercurio de Valparaíso* (Chile), January 8, 1849, 2. On nineteenth-century Chilean peonage: Simon Collier and William F. Sater, *A History of Chile, 1808–2002*, 2nd ed. (New York: Cambridge University Press, 2004), 92–93; Gabriel Salazar Vergara, *Labradores, peones y proletarios: formación y crisis de la sociedad popular chilena del siglo XIX* (Santiago, Chile: Ediciones Sur, 1985).
39. Sergio Sepúlveda G., *El trigo Chileno en el mercado mundial* (Santiago: Editorial Universitaria, 1959), 42; Ramón Pérez Yañez, *Forjadores de Chile* (Santiago, Chile: Zig-Zag, 1953), 250; Roberto Hernández Cornejo, *Los Chilenos en San Francisco de California* (2 vols.) (Valparaíso: Imp. San Rafael, 1930), vol. 2: 20. For Chile's merchant marine: Carlos López Urrutia, *Breve historia naval de Chile* (Buenos Aires: Editorial Francisco de Aguirre, 1976), 67. Case in Lyman, "Reminiscences of Wm. M. Case," 281. On the number of Chileans in the gold rush: Edward D. Melillo, *Strangers on Familiar Soil: Rediscovering the Chile-California Connection* (New Haven, CT: Yale University Press, 2015), 82.
40. B. R. Buckelew in *Californian* (San Francisco), March 15, 1848, 2.
41. David Brody, "Free Labor, Law, and American Trade Unionism," in Stanley L. Engerman, ed., *Terms of Labor: Slavery, Serfdom, and Free Labor* (Stanford, CA: Stanford University Press, 1999), 218; Carlos U. López, *Chilenos in California: A Study of the 1850, 1852, and 1860 Censuses* (San Francisco: R and R Research Associates, 1973), xxi.
42. Joseph Warren Revere, *Keel and Saddle: A Retrospect of Forty Years of Military and Naval Service* (Boston: James R. Osgood & Co., 1872), 160–161; Kimball Webster, *The Gold Seekers of '49...* (Manchester, NH: Standard Book Co., 1917), 105.
43. Contrata D. José Manuel Ramirez y Don Juan Sampson y otros, 5 Jan. 1849, Archivo Nacional de Chile de la Administración [hereafter ARNAD], Colección Notarial (Valparaíso), vol. 83, no. 9, fol. 12–14 and no. 10, fol. 14–15; Vicente Pérez Rosales, *Times Gone By: Memoirs of a Man of Action*, trans. John H.R. Polt (Oxford: Oxford University Press, 2003), 217; Gilberto Harris Bucher, *Emigración y políticas gubernamentales en Chile durante el siglo XIX* (Valparaíso: Ediciones Universitarias de Valparaíso de la Universidad Católica de Valparaíso, 1996), 134–136; Ramón Gil Navarro, *The Gold Rush Diary of Ramón Gil Navarro*, trans. and eds. María del Carmen Ferreyra and David S. Reher (Lincoln: University of Nebraska Press, 2000), 280 n47.
44. Contrato de peonaje entre Don Santiago King con varios peones, ARNAD, Colección Notarial (Valparaíso), vol. 82, no. 384, folder 372 vta.-373. Also aboard were eight peons: Sepúlveda G., *El Trigo Chileno en el Mercado Mundial*, 42. For Virginia passengers: "Movimiento Marítimo," *El Comercio de Valparaíso*, September 12, 1848.
45. James Joseph Ayers, *Gold and Sunshine: Reminiscences of Early California* (Boston: Gorham Press, 1922), 46. For a Chilean version: Navarro, *Gold Rush Diary of Ramón Gil Navarro*, 68–71. For a contrasting explanation: DAC, December 31, 1849, 3.
46. J. E. Durivage, December 31, 1849, in DAC, January 2, 1850, 2; Navarro, *Gold Rush Diary of Ramón Gil Navarro*, 79, 84; Robert Wilson, January 3, 1850, in DAC, January 7, 1850, 1.
47. Navarro, *Gold Rush Diary of Ramón Gil Navarro*, 79.
48. Bailey Millard, *History of the San Francisco Bay Region* (Chicago: American Historical Society, 1973), 3:61.
49. Moses Pearson Cogswell, *The Gold Rush Diary of Moses Pearson Cogswell of New Hampshire* (Concord: New Hampshire Historical Society, 1949), 54.
50. William D. Carrigan and Clive Webb, "The Lynching of Persons of Mexican Origin or Descent in the United States, 1848 to 1928," *Journal of Social History* 37 (2003), 413; Anonymous in William Robert Kenny, "History of the Sonora Mining Region of California" (PhD diss., University of California, Berkeley, 1955), 257; Ken Gonzales-Day, *Lynching in the West, 1850–1935* (Durham, NC: Duke University Press, 2006), 207–216.
51. Abraham P. Nasatir, "Chileans in California during the Gold Rush Period and the Establishment of the Chilean Consulate," *California Historical Quarterly* 53 (1974): 60; Leonard Kip, *California Sketches, with Recollections of the Gold Mines* (Los Angeles: N.A. Kovach, 1946), 57; Pérez Rosales, *Times Gone By*, 294.
52. Henry Yu, "The Intermittent Rhythms of the Cantonese Pacific," in Donna R. Gabaccia and Dirk Hoerder, eds., *Connecting Seas and Connected Ocean Rims: Indian, Atlantic, and Pacific Oceans and China Seas Migrations from the 1830s to the 1930s* (Boston: Brill, 2011), 393–414; José C. Moya and Adam McKeown, *World Migration in the Long Twentieth Century* (Washington, DC: American Historical

- Association, 2011), 8. On Chinese laborers in Latin America: Evelyn Hu-Dehart, "Coolies, Shopkeepers, Pioneers: The Chinese of Mexico and Peru (1849–1930)," *Amerasia* 15 (1989): 91–116. Chinese men in California were sometimes referred to as "coolies" even when not indentured. In 1987, Patricia Cloud and economist David Galenson argued that "the Chinese who traveled to California [in the mid-1800s] did not have written indentures, nor did they sign them upon arrival," in "Chinese Immigration and Contract Labor in the Late Nineteenth Century," *Explorations in Economic History* 24, no. 1 (1987): 24. While scattered examples of such contracts existed, it is important to avoid mistaking anti-Chinese rhetoric with actual relations of servitude or bonded labor. We consulted two historians of the Asian American experience, Franklin Odo (Amherst College) and K. Ian Shin (University of Michigan). Both felt that conflating the credit-ticket system and the term *coolie* with the forms of debt peonage or indenture described in our article would be a mistake. See also Kornel Chang, "Coolie," in Cathy J. Shlund-Vials, Linda Trinh Vo, and K. Scott Wong, eds., *Keywords for Asian American Studies* (New York: NYU Press), 37–38.
53. Yu, "Intermittent Rhythms of the Cantonese Pacific," 393–414; Peggy Pascoe, *Relations of Rescue: The Search for Female Moral Authority in the American West, 1874–1939* (New York: Oxford University Press, 1990), 93–94; Elisha Oscar Crosby, *Memoirs of Elisha Oscar Crosby, Reminiscences of California and Guatemala from 1849 to 1864*, ed. Charles Albro Baker (San Marino, CA: The Huntington Library, 1945), 109; Curt Gentry, *The Madams of San Francisco: An Irreverent History of the City by the Golden Gate* (Garden City, NY: Doubleday 1964), 52; Yen Le Espiritu, *Asian American Women and Men: Labor, Laws, and Love*, 2nd ed. (Lanham, MD: Rowman & Littlefield, 2008), 38; Judy Yung, *Chinese Women of America: A Pictorial History* (Seattle: University of Washington Press, 1986), 4.
  54. *SDU*, November 19, 1855, 2.
  55. *Ibid.*; Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995), 34; James R. Smith, *San Francisco's Lost Landmarks* (Sanger, CA: Word Dancer Press, 2005), 76.
  56. *DAC*, June 11, 1859, 2; Lucie Cheng, "Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century America," in Lucie Cheng and Edna Bonacich, eds., *Labor Immigration under Capitalism: Asian Workers in the United States before World War II* (Berkeley: University of California Press, 1984), 402; Peggy Pascoe, "Gender Systems in Conflict: The Marriages of Mission-Educated Chinese American Women, 1874–1939," *Journal of Social History* 22 (1989): 635.
  57. For numerical estimates: Lucie Cheng Hirata, "Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century America," *Journal of Women in Culture and Society* 5 (1979), 10. For Hip Yee Tong history: Liang Qichao, *Xindalu youji jielu* [An abbreviated account of travels in the New World] (Shanghai: Chung Hwa Book Co., 1932), 118; *DAC*, June 1, 1855, 2. On Anglo patrons of Chinese prostitutes: Neil Larry Shumsky and Larry M. Springer, "San Francisco's Zone of Prostitution, 1880–1934," *Journal of Historical Geography* 7 (1981): 76.
  58. *SDU*, March 29, 1867, 3.
  59. For the 1866 "Act to Suppress Chinese Houses of Ill Fame": California, *The Statutes of California*, 18th session (1869–70) (Sacramento: D.W. Gelwicks, 1870), 330–332; Yung, *Unbound Feet*, 32; Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995); Sucheng Chan, "The Exclusion of Chinese Women, 1870–1943," in Sucheng Chan, ed., *Entry Denied: Exclusion and the Chinese Community in America, 1882–1943* (Philadelphia: Temple University Press, 1994), 95–109. For Burlingame Treaty: United States, *The Statutes at Large and Proclamations of the United States of America, from December 1869 to March 1871* . . . (18 vols.) (Boston: Little, Brown, 1871), vol. 16: 740 (article 5); Jean Pfaelzer, *Driven Out: The Forgotten War against Chinese Americans* (Berkeley: University of California Press, 2007), 96. For 1870 numbers: Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882–1943* (Chapel Hill: University of North Carolina Press, 2003), 26.
  60. Pfaelzer, *Driven Out*, ch. 3. For anti-Chinese slavery act: *SDU*, February 21, 1874, 8. Grant in Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002), 36. For California's anti-Chinese legislation and the Page Act: Kitty Calavita, "Collisions at the Intersection of Gender, Race, and Class: Enforcing the Chinese Exclusion Laws," *Law & Society Review* 40 (2006): 254–255. *SDU*, January 15, 1876, 8. California State Constitution, 1879, Article XIX, Sec. 4 in California, *The Statutes of California Passed at the Twenty-Third Session of the Legislature, 1880* (Sacramento: J.D. Young, 1880).
  61. Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown, 1989), 40.
  62. *DAC*, April 20, 1854, 2.
  63. *DAC*, June 8, 1875, 1.
  64. R. N. Willcox, *Reminiscences of California Life, Being an Abridged Description of Scenes . . .* (Avery, OH: Willcox Print, 1897), 264; *San Francisco Call*, June 19, 1901, 5; California, *The Codes and Statutes of California: As Amended and in Force at the Close of the Thirty-Fourth Session of the Legislature, 1901* . . . (San



- Francisco: Bancroft-Whitney, 1901), 127–130 (quotation on 128); Julia Flynn Siler, *The White Devil's Daughters: The Women Who Fought Slavery in San Francisco's Chinatown* (New York: Knopf, 2019), 262. For the act's full text: California, *The Statutes of California and Amendments to the Codes Passed at the Fortieth Session of the Legislature*, 1913 (San Francisco: Bancroft-Whitney, 1913), 20–22.
65. Pfaelzer, *Driven Out*, 112. For escape and suicide: Huping Ling, *Surviving on the Gold Mountain: A History of Chinese American Women and Their Lives* (Albany, NY: SUNY Press, 1998), 57. On internecine tong warfare: Richard Dillon, *The Hatchet Men: The Story of the Tong Wars in San Francisco's Chinatown* (New York: Coward-McCann, 1962). For merchants opposing vice: Ivan Light, "From Vice District to Tourist Attraction: The Moral Career of American Chinatowns, 1880–1940," *Pacific Historical Review* 43 (1974): 378–379.
  66. M. G. C. Edholm, "A Stain on the Flag," *The California Illustrated Magazine* 1 (1892): 159. On Cameron's efforts: Pascoe, "Gender Systems in Conflict," 631–652; Mildred Crowl Martin, *Chinatown's Angry Angel: The Story of Donaldina Cameron* (Palo Alto, CA: Pacific Books, 1977), 266; Mae Ngai, *The Lucky Ones: One Family and the Extraordinary Invention of Chinese America* (Princeton, NJ: Princeton University Press, 2010), 39. For a Presbyterian Mission House history: Siler, *White Devil's Daughters*.
  67. Collier and Sater, *History of Chile, 1808–2002*, 42; Peter Blanchard, *Slavery & Abolition in Early Republican Peru* (Wilmington, DE: SR Books, 1992); Carlos Aguirre, *Agentes de su propia libertad: Los esclavos de Lima y la desintegración de la esclavitud, 1821–1854* (Lima: Pontificia Universidad Católica del Perú, 1993). The 1874 Chinese-Peruvian treaty appears in Ministerio de Relaciones Exteriores, *Collección de los tratados del Perú* (Lima: Impr. de la H. Cámara de diputados, 1876), 159–165. For Chinese "coolies" in nineteenth-century Peru: Melillo, "First Green Revolution," 1029. For *enganche* and Meiggs: Melillo, *Strangers on Familiar Soil*, 113–136.
  68. Jan Bassett, *The Oxford Illustrated Dictionary of Australian History* (New York: Oxford University Press, 1986), 258; Ormonde D. P. Waters, "John Boyle O'Reilly," *Seanchas Ardmhacha: Journal of the Armagh Diocesan Historical Society* 13 (1988): 175. For Britain's 1948 Criminal Justice Act: [www.legislation.gov.uk/ukpga/Geo6/11-12/58](http://www.legislation.gov.uk/ukpga/Geo6/11-12/58).
  69. Eiichiro Azuma, *Between Two Empires: Race, History, and Transnationalism in Japanese America* (New York: Oxford University Press, 2005), 27; Sucheng Chan, *Asian Americans, An Interpretive History* (Boston: Twayne, 1991), 15. On Chinese abolition: Philip C. Huang, *Code, Custom, and Legal Practice in China: The Qing and the Republic Compared* (Stanford, CA: Stanford University Press, 2001), 17. For *corvée* labor in French Indochina: Edward A. Alpers, Gwyn Campbell, and Michael Salman, eds., *Resisting Bondage in Indian Ocean Africa and Asia* (New York: Routledge, 2007).
  70. Don Mitchell, *The Lie of the Land: Migrant Workers and the California Landscape* (Minneapolis: University of Minnesota Press, 1996), 88; Deborah Cohen, *Braceros: Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico* (Chapel Hill: University of North Carolina Press, 2011); Williams in Linda C. Majka and Theo J. Majka, *Farm Workers, Agribusiness, and the State* (Philadelphia: Temple University Press, 1982), 136.
  71. Hongda Harry Wu, *Laogai—The Chinese Gulag*, trans. Ted Slingerland (Boulder, CO: Westview Press, 1992); Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007); *Los Angeles Times*, August 3, 1995, 1, and August 14, 2008, A1.
  72. Siddharth Kara estimated 18.1 million bonded laborers globally. Kevin Bales estimated 27 million. See Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009), 222; Kevin Bales, *Disposable People: New Slavery in the Global Economy*, rev. ed. (Berkeley: University of California Press, 2004), 8.
  73. David A. Chang, "Borderlands in a World at Sea: Concow Indians, Native Hawaiians, and South Chinese in Indigenous, Global, and National Spaces," *The Journal of American History* 98 (2011): 401.