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From black and white to mixed : California's public school system, 1850-1875

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FROM BLACK AND WHITE TO MIXED:
CALIFORNIA'S PUBLIC SCHOOL SYSTEM, 1850-1875

A Thesis

Presented to

The Faculty of the Department of History

San Jose State University

In Partial Fulfillment

of the Requirement for the Degree

Master of Arts

By

Iris M. Jerke

December 2003

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ABSTRACT

FROM BLACK AND WHITE TO MIXED: CALIFORNIA'S PUBLIC SCHOOL SYSTEM, 1850-1875

by Iris M. Jerke

Non-Black New Englanders established schools in California as early as 1847. In 1848, Black and non-Black immigrants from the New England states came to California to make money, but only a few returned home rich. Many, for various reasons, chose to stay in California. The thesis examines how abolitionism and the social and political environment of the New England states influenced the development of California's public school system.

Research on this subject revealed that Black and non-Black educational pioneers, especially from New England states, were responsible for the development of California's public school system modeled after the Massachusetts paradigm. However, Southern Democratic influences in California's state politics hindered the establishment of a public school system open to all children of the state. In 1875, Black community activism and non-Black political supporters within the growing California Republican Party integrated California's public schools after a twenty-five year struggle.

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INTRODUCTION

This thesis traces the development of the public education system in California from 1850 to 1875. With the discovery of gold in 1848, many Black and non-Black immigrants from the New England states came to California to gain wealth to take back home. Only a few were lucky enough to become rich. Many former New Englanders, for various reasons, chose to stay in California. The increase in families with children led to the establishment of schools. This thesis examines the effect of abolitionism and the social and political environment of the New England states on the development of California's public school system.

Many accounts discuss the development of California's public education system without exploring its relationship to the social and political environment of New England.¹ Non-Black New Englanders established communities that included schools in early California. In 1850, after admission into the Union, a public school system based on a Massachusetts precedent developed. However, influential political immigrants from the Southern states, who preferred privileged education to public education, gained influence over the public school system. In the mid 1850s, a segregated school system was established, which remained in effect until 1875.

¹ Roy W. Cloud, *Education in California: Leaders, Organizations, and Accomplishments of the First Hundred Years*. (Stanford: Stanford University Press, 1952); William Warren Ferrier, *Ninety Years of Education in California, 1846-1936: A Presentation of Educational Movements and Their Outcome in Education Today* (Berkeley: Sather Gate Book Shop, 1927).

Interaction among native Californians and White and African American immigrants from such states as Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont had a major impact on the establishment of California's public school system. Political governance of the New England states generally was in the hands of the Whig Party and an anti-slavery philosophy influenced race relations in these states. Black and non-Black New England pioneers who came in large numbers to California brought their principles and ideologies with them and re-created a life, society, and environment similar to what they had left, including a public school system. However, between 1850 and 1862 pro-slavery Democrats dominated the government in California. The examination of the efforts of well-educated political leaders in the African American community, as well as growing activism of like-minded non-Black political friends and sympathetic non-Black newspapers, is an important part of this thesis.

The decision to concentrate almost entirely on the cities of San Francisco and Sacramento arose as a natural consequence of their importance in early California. San Francisco, the economic center of the state with its port and banks, was the cosmopolitan city of the state. Traders, merchants, and investors frequented the city, as did gamblers, prostitutes, and sailors. Sacramento, on the other hand, was nominally the political center of the state, with the gold region in its backyard. These cities established California's first public schools, both Black and non-Black.

I. CALIFORNIA IN THE LATE 1840s

At the time of the American military conquest California was not heavily populated. Fewer than fifteen thousand inhabitants of Spanish, African, and Native descent resided in an area that extended from the Rocky Mountains in the East to the Oregon border in the North.¹ The native residents of California were a "mixture of every color" long before the American conquest, and discrimination was unknown to them. Intermarriage was common between the Spanish and Indian population.²

Immigrating Population

Towns and villages were few. Most of them were pueblos near the former missions. In 1848, after the discovery of gold by John Marshall, the small town of Yerba Buena, now renamed San Francisco, counted about four hundred residents. As the gateway to the gold mines, the Golden Gate port was the destination for many ships sailing directly from Northeastern ports around the Cape Horn.

Between December 14, 1848 and January 18, 1849, sixty-one sailing vessels, averaging fifty passengers each, left New York, Boston, Salem, Norfolk, Philadelphia and Baltimore for the Pacific coast. In the month of February, 1849, sixty ships [sailed] from New York, seventy from Philadelphia and Boston, and eleven from New Bedford.³

¹ Bernard L. Hyink, Seyom Brown, and Ernest W. Thacker, *Politics and Government in California* (New York: Harper & Row, 1979), 6.

² Cardinal Goodwin, *The Establishment of State Government in California: 1846-1850* (New York: The MacMillan Company, 1914), 205.

³ Goodwin, *Establishment of State Government in California*, 56.

By the spring of 1850, more than two hundred fifty vessels had sailed from Eastern ports to San Francisco. One day alone forty-five ships came through the Golden Gate to unload their cargo of settlers and miners, along with well-educated men and politicians seeking economic gains and political power. One ship bound for the City by the Bay was the *Edward Everett*, bringing one hundred fifty-two well-educated young men. It left Boston, Massachusetts, on 10 January 1849 and arrived in San Francisco on 7 July that year.⁴ Many newcomers sailed to Nicaragua and Panama, crossed the Isthmus, and took steamers up to Northern California. Coming by sea was expensive and for that reason many traveled overland.⁵

More males than females entered California between 1847 and 1849. Curt Gentry stated in *The Madams of San Francisco* that, although more women resided in San Francisco than in the mining regions in 1847, only one third of the population was female.⁶ During the first half of 1849, an estimated ten thousand people landed at San Francisco, but only about two hundred were females. Over the next six months some twenty-four thousand new settlers arrived by sea with less than five hundred females among them. Most of the thirty thousand settlers who came overland that year were

⁴ George H. Tinkham, *California Men and Events: Time 1790-1890* (Stockton: Record Publishing, 1915), 66-67.

⁵ T. Dwight Hunt, "California, Oregon, and Washington," *Journal of the American Geographical and Statistical Society* 1, no. 5 (May 1859): 140.

⁶ Curt Gentry, *The Madams of San Francisco: An Irreverent History of the City by the Golden Gate* (Garden City, N.Y.: Doubleday & Company, 1964), 5. Gentry stated that 138 females resided in Yerba Buena in 1847.

men.⁷ By the end of 1849, San Francisco had a population of twenty thousand, but only a very small portion was female.

A constant influx of immigrants from the New England states began to shape San Francisco. However, the connection between New England's ports and the Pacific region started much earlier. According to Samuel Eliot Morison in *The Maritime History of Massachusetts, 1783-1860*, vessels from Boston stopped in Monterey in 1796 to fill up with provisions.⁸ From 1822 to the Mexican War, Californians traded hides for merchandise with "hide-droghers" from Boston. California was the main supplier of hides to shoe shops in Massachusetts. Furthermore, whalers out of New Bedford, Massachusetts, stopped on California's coast for fresh beef. The trade between Massachusetts and California was at its height between 1834 and 1836 when the "real beginning of commerce with the outer world made the harbors of the [Pacific] coast known to the crews of scores of New England trading vessels."⁹ By the late 1840s, men from Massachusetts were established up and down the California coast, "[f]rom a one-eyed Fall River whaleman tending bar in a San Diego *pulperia* to Thomas O. Larkin, the

⁷ Gentry, *Madams of San Francisco*, 5.

⁸ Up until 1834, traders and merchants from Boston and other ports in Massachusetts came to California to trade furs, otter seals, and hides. Samuel Eliot Morison, *The Maritime History of Massachusetts, 1783-1860*, Third Printing Sentry Edition ed. (Boston: Houghton Mifflin Company, 1961), 59.

⁹ Lewis Francis Byington and Oscar Lewis, eds., *The History of San Francisco*, 3 vols., vol. I (Chicago: The S. J. Clarke Publishing Company, 1931), 48; Morison, *Maritime History of Massachusetts*, 266-67.

merchant prince of Monterey.”¹⁰ Immigrating New Englanders found their countrymen solidly entrenched throughout California.

Churches and Education

Reverend Timothy D. Hunt arrived in San Francisco from New England in October of 1848.¹¹ Even though San Francisco and Sacramento had grown dramatically, Hunt found no established church in either town. However, to his astonishment,

there was a public school-house. There was no minister of the gospel, of any denomination, but the teacher of that solitary school was a New Englander, and a pious man, a New London graduate of Yale College, and once a licentiate of Andover, who opened his school daily with reading the scriptures and with prayer.¹²

Hunt was also pleased to find an established Sabbath School in the schoolhouse “where children were taught the word of God.” Although according to Gentry only a few females at that time lived in San Francisco, a relatively large number of children already were old enough to attend schools. *The California Star* reported in January of 1847 forty children from the ages of five to thirteen.¹³ However, in March of 1847, the same newspaper called attention in an editorial to the issue of public schools. “The population of the town is now rapidly increasing, and with this increase, there is a full proportion of

¹⁰ Morison, *Maritime History of Massachusetts*, 267.

¹¹ Bradford Luckingham, “Religion in Early San Francisco,” *The Pacific Historian* 17, no. 4 (winter 1973): 56.

¹² Hunt, “California, Oregon, and Washington,” 140.

¹³ *The California Star*, 16 January 1847.

children.”¹⁴ The editor of *The California Star*, Samuel Brannan, a former resident of Massachusetts, may have been the driving force behind the establishment of early schools in Northern California. He wrote,

[a]mong the first acts of our pious ancestors, after they had landed upon the wild and desolate shores of the Atlantic, was the establishment of a public school, and from that day to the present such have been the care and attention devoted to the subject of public schools and education, by them and their decendants [sic], that the institutions of learning in the eastern and middle states, are models for the imitation of the most enlightened governments of Europe.¹⁵

During the gold rush many San Franciscans left for the mining regions, taking their families with them. By fall of 1848 the recently established schoolhouse was empty; even the teacher was caught up in gold fever, and church services declined also. “There was no Sabbath, and no worship, except to about thirty of the people, who, for two or three Sabbaths, had met to hear the English service read by the captain of an English brig then in port.”¹⁶

For many who rushed to the gold fields, the dream of material wealth did not come true. By spring of 1849, most former San Franciscans were back in town. Due to immigration the number of residents had increased, and parental demand for education for the large number of school-age children was pressing.¹⁷

¹⁴ *The California Star*, 6 March 1847.

¹⁵ *The California Star*, 6 March 1847.

¹⁶ Hunt, “California, Oregon, and Washington,” 140.

¹⁷ Byington and Lewis, *History of San Francisco*, 242.

On 23 April 1849 Dr. Albert Williams, the pastor of the San Franciscan First Presbyterian Church, established a private school for twenty-five students in the church building. This school was in session until the following September, when the duties of the pastor increased and he closed the school since he could find no qualified successor.¹⁸

Two months later, John C. Pelton and his wife Amanda arrived in San Francisco from Massachusetts. He brought a supply of textbooks, maps, globes, and school furniture, as well as a bell given to him by a business firm in Massachusetts.¹⁹ Within days Mr. Pelton opened a private school in San Francisco financed by donations and free to every child that was seeking an education. Within a short time, he had more than one hundred students. By 1850 the town council had changed the status from the private school to public school and fixed the combined salary of schoolmaster Pelton and his wife at \$500 a month. This school closed in 1851,²⁰ leaving the students of San Francisco without a free public school.²¹

¹⁸ Byington and Lewis, *History of San Francisco*, 242.

¹⁹ The brother of the head of the company had lived since 1848 in San Francisco. The bell had the following inscription: "Presented to the First Free Grammar School of San Francisco by the Henry W. Hooper Co., Boston, Massachusetts." Ferrier, *Ninety Years of Education in California*, 36.

²⁰ Mrs. Pelton fell ill and her husband had to give up teaching in order to care for his wife. John F. Burns and Richard J. Orsi, eds., *Taming the Elephant: Politics, Government, and Law in Pioneer California*, California History Sesquicentennial Series (Berkeley: University of California Press, 2003), 217.

²¹ Byington and Lewis, *History of San Francisco*, 242; Ferrier, *Ninety Years of Education in California*, 36.

REVISION OF CALIFORNIA'S POLITICAL SYSTEM

After the discovery of gold in the 1840s, many would-be politicians went west not only for personal gain but also for enhancement of political influence. Many came from New York, but also from the Southern states. They carried both their political inclination and racial ideologies into California.

The Constitutional Convention of 1849

The delegates to the constitutional convention in Monterey were divided over the issues of slavery, immigration, suffrage, education, and the establishment of the eastern border of the state. They also had to decide whether to become a territory or to apply for immediate statehood.

Delegates originally from the South with an agricultural background preferred territorial status, a pre-statehood condition, because it would mean less control from the federal government. The territories of the West were thousands of miles away from Washington and appointed governors were sent from Washington, D.C., to govern these territories. These governors often were not talented, poorly paid, and usually were mostly interested in personal economic advancement. This led to fraud and corruption in the territories, often combined with land speculations.²² However, delegates from the more populous mining districts of northern California controlled the convention and they preferred statehood as a way to retain control of the state's resources.²³ Furthermore,

²² Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton & Company, 1987), 79-80.

²³ Hyink, Brown, and Thacker, *Politics and Government in California*, 21.

immigrants and delegates from the Eastern states resented territorial status since they came from established states and were used to independence from the federal government.²⁴

Most parts of California's Constitution of 1849 were drawn from the Constitution of the United States or from the State Constitutions of Iowa (1846) and New York (1788).²⁵ The issue of slavery was heatedly debated. William Shannon of New York introduced one section of the New York State Constitution to the convention that would outlaw slavery in California. "Neither slavery nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state."²⁶ However, for the northern delegates slavery was primarily an economic institution; they were not concerned about the human degradation of slavery.²⁷ The anti-slavery delegates from the mining regions feared that Southern slave owners coming with slaves "to California by the thousand, [would] work them in the mines and get all of the gold." Or worse, the owners might set the slaves free to compete with White labor or to become burdens on the state.²⁸

M.M. McCarver of Missouri proposed an amendment prohibiting the immigration of either free or enslaved Blacks into the state. "The pro-slavery men laughed at this

²⁴ Limerick, *The Legacy of Conquest*, 80.

²⁵ Hyink, Brown, and Thacker, *Politics and Government in California*, 21.

²⁶ Tinkham, *California Men and Events*, 85-86.

²⁷ Spencer C. Olin, Jr., *California Politics 1846-1920: The Emerging Corporate State*, Norris Hundley, Jr. and John A. Schutz, eds., Golden State Series (San Francisco: Boyd & Fraser Publishing Company, 1981), 9.

²⁸ Tinkham, *California Men and Events*, 85-86.

absurdity. They declared that the Negro would be a benefit. Slave owners would not dare to bring them to a free state, as then they would be free.”²⁹ The proposed amendment was defeated; fifteen delegates voted aye, but twenty-two men voted no.³⁰

Another debate was fought over the question of who should vote. The Treaty of Guadalupe Hidalgo of 1848 granted the right to vote to all Mexican citizens who decided to become Americans.³¹ For the delegates this was a problem since many Mexicans could trace their roots to African or Native American ancestors. Therefore, they crafted an amendment to restrict the vote to White males and “White” male Mexicans. The delegate who proposed the amendment argued “that his object was to exclude the inferior races of mankind—particularly blacks and Indians.”³² The definition of “White” was heatedly debated as several of the Mexican Americans, who were delegates to the convention, had African or Indian blood. One delegate, Manuel Dominguez from Los Angeles, was a pure-blooded Indian.³³ Suffrage for “White” men meant the political disfranchisement of African American males in California.³⁴

²⁹ Tinkham, *California Men and Events*, 85-86.

³⁰ Tinkham, *California Men and Events*, 85-86.

³¹ With the signing of the Treaty of Guadalupe Hidalgo Mexican citizens were given the option to move out of the acquired American territory or to stay and gain American citizenship within a year after the peace treaty.

³² Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981), 277.

³³ Tinkham, *California Men and Events*, 86.

³⁴ Leon L. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: The University of Chicago Press, 1961), 75; Article II, Section 1 of the

On the issue of education the delegates were also divided. They could neither agree on land grants nor on tax support to finance the maintenance of public schools. Cardinal Goodwin stated that because there were only a few children in California at the time of the convention, the issue of schooling was not of immediate importance, and with few females in the state, no great increase in school-age children was expected soon.³⁵ The provision for the establishment of public schools became Article IX of the California Constitution with the issue of support left open.³⁶ No exclusionary provision for children of any skin color was either discussed or written into the Constitution.

The exclusive voting process, however, established an early color line in the state. The descendants of Africans and Indians were deprived of the right to vote.³⁷ In the following two decades, Whites used their political power to exclude Blacks whenever they felt threatened. Westward-moving African Americans confronted both

California Constitution of 1849 stated: "Every white male citizen of the United States, and every white male citizen of Mexico, who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the 30th of May, 1848, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law: Provided, that nothing herein contained shall be construed to prevent the Legislature, by a two thirds concurrent vote, from admitting to the right of suffrage, Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper." *California Constitution of 1849*, California State Archives, Sacramento.

³⁵ Goodwin, *Establishment of State Government in California*, 205.

³⁶ *California Constitution of 1849*.

³⁷ Tinkham, *California Men and Events*, 86.

constitutional provisions that restricted their residence and then they confronted "Black Laws."³⁸ By 1850 African Americans were not only restricted from voting in California, but also from giving testimony against any White person in court. They were not allowed to record land claims, Black women were not permitted to identify assailants in court cases, and Black businessmen could not sue debtors or fraudulent merchants and customers.³⁹

Most of the gold rush pioneers ignored politics as long as it did not immediately affect them. Exclusion of slavery was one of their concerns, but not as important as the desire for economic prosperity. "Money is what we all want and came for, and when we get it and return [home] will [sic] then perhaps look out for our country and see that she is not ruined."⁴⁰ California's Constitution of 1849 was ratified within six weeks with a majority vote of 12,872 to 811. Those voting were all "White" male voters over the age of twenty-one.⁴¹

Even before California received official statehood, Peter Burnett from Tennessee had been elected the first governor and two pro-slavery men, John C. Fremont and

³⁸ Goodwin, *Establishment of State Government in California*, 205.

³⁹ William Loren Katz, *The Black West: A Documentary and Pictorial History of the African American Role in the Westward Expansion of the United States* (New York: Simon & Schuster, 1996), 135.

⁴⁰ Earl Pomeroy, "California, 1846-1860: Politics of a Representative Frontier State," *California Historical Society* 32 (1953): 295-96.

⁴¹ Hyink, Brown, and Thacker, *Politics and Government in California*, 21.

William M. Gwin, were elected United States Senators. Both presented the new state constitution to the Congress for admittance.⁴²

⁴² Hyink, Brown, and Thacker, *Politics and Government in California*, 21.

II. THE NEW ENGLAND CONNECTION TO CALIFORNIA

In the 1850s, African Americans could look back over two hundred years on American soil. Liberty and equality under the law was not easily gained in most states. The New England states were different. For over thirty years African Americans in New England had been given equal social, legal, and political rights. During the 1850s, immigrating Blacks came to California mostly from New York and the four New England states of Maine, Massachusetts, New Hampshire, and Vermont; a few also came from Pennsylvania.⁴³ Not denied their civil rights in these states, many of them were well-educated men who had been able to vote, sit on juries, hold public offices, and educate their children in public schools. In addition, they were influenced by principles of the early Puritans and Quakers: civil rights, liberty and equality for all, and education above everything. Since California was admitted to the Union as a slave-free state in 1850, none expected their civil rights to be curtailed.

IDEOLOGIES OF THE RESIDENTS OF THE NEW ENGLAND STATES

BY THE 1850s

The ideology of the residents of the New England states can best be described by analyzing their agencies and institutions.

⁴³ Douglas Henry Daniels, *Pioneer Urbanites: A Social and Cultural History of Black San Francisco* (Berkeley: University of California Press, 1990), 18.

Slavery

The descendants of the Puritan founders of Massachusetts were “industrious, thrifty, honest, and benevolent” people and by the end of the eighteenth century were pioneers in the anti-slavery movement in America. Early discussions in town meetings over whether “friends” should own slaves or be involved in the slave trade were decided positively for Blacks and non-Blacks. In 1783 Massachusetts declared slavery unlawful and in 1788 forbade citizens of the state to be involved in the slave trade.⁴⁴ So had New Hampshire, Connecticut, Maine, Rhode Island, and Vermont by the late eighteenth century. Early in the nineteenth century the states of New York, New Jersey, and Pennsylvania outlawed slavery as well.⁴⁵

The Courts

The residents of New England asserted that free Blacks born in states recognizing them as citizens were also citizens of the United States and, therefore, were entitled to sue in federal courts as citizens of the state in which they resided.⁴⁶ In their view, an African American born in one of the New England states was a citizen of the state and of the United States as well. By moving permanently to a slave state an African American would not forfeit his U.S. citizenship, but neither would a person born enslaved gain

⁴⁴ Virginia Matzke Adams, ed., *On the Altar of Freedom* (Amherst: The University of Massachusetts Press, 1991), xx.

⁴⁵ Dwight Lowell Dumond, *Antislavery: The Crusade for Freedom in America* (New York: Norton Company, 1961), 120-22.

⁴⁶ Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978), 407-08.

citizenship in the United States by moving to Massachusetts. However, an enslaved person would be set free by moving into a free state and would gain civil rights as a full citizen of that state, but not citizenship of the United States. Therefore, free-born Blacks moving from the New England states to California had every expectation to become full citizens of the state with all their civil rights intact.⁴⁷ However, the U.S. Supreme Court in its Dred Scott decision in 1857 declared that a slave could not become free or a state citizen just by entering a slave-free state and could not be a citizen of the United States, either.⁴⁸

This decision was not popular in New England. An editorial in the *Independent* was headed: "The Decision of the Supreme Court is the Moral Assassination of a Race and Cannot be Obeyed."⁴⁹ The *Whig and Courier* of Bangor, Maine, called the decision a "monstrous doctrine, which denied colored citizens of the state the ordinary justice which the meanest individual of any other race of foreign people may obtain among us."⁵⁰ But such voices were a minority in the Northern states, and were ignored in the South.

Politics and Suffrage

African Americans had gained the right to vote in Massachusetts with the ratification of the state's original constitution of 1780. The right to vote was given to

⁴⁷ Fehrenbacher, *Dred Scott Case*, 407-08.

⁴⁸ Fehrenbacher, *Dred Scott Case*, 340-64.

⁴⁹ Quoted in Fehrenbacher, *Dred Scott Case*, 429.

⁵⁰ Quoted in Fehrenbacher, *Dred Scott Case*, 429.

“every twenty-one-year-old male resident who received an annual income of three pounds from a freehold or who held any estate worth sixty pounds.”⁵¹ In 1821 the property qualification was eliminated and the suffrage was extended to all adult male taxpayers. The residence requirements for American citizens included one year in the state and six months in the voting area; two years in the state for immigrants. A poll tax of one or two dollars also was required of everyone.⁵²

In Massachusetts, Maine, Vermont, New Hampshire, and Rhode Island, after 1820 no adult male was excluded from voting based on the color of his skin or race. In these states African Americans males enjoyed equal voting privileges with White males.⁵³ In New York voting rights were based on ownership of property worth at least two hundred fifty dollars.⁵⁴

Although some states specifically banned African Americans from voting, racism alone did not keep African Americans from the polls. In Ohio, Michigan, and Wisconsin, African Americans voted during the 1850s and participated in party conventions. “The fear of the power of the Negro vote and its alliance with the votes of others, and

⁵¹ Dale Baum, *The Civil War Party System: The Case of Massachusetts, 1848-1876* (Chapel Hill: The University of North Carolina Press, 1984), 10.

⁵² Baum, *Civil War Party System*, 10.

⁵³ Baum, *Civil War Party System*, 11.

⁵⁴ Charles H. Wesley, “Negro Suffrage in the Period of Constitution-Making, 1787-1865,” *Journal of Negro History* 32, no. 2 (April 1947): 166.

particularly the poor whites, was an important factor.”⁵⁵ But, anti-slavery Whigs, later Radical Republicans, did not compromise their principles to keep their voters enthusiastic. They appealed to Black voters and non-Black voters alike.

The Bird-Club and Politics

On Saturday evenings during the late 1840s, in a Boston hotel owned by Frank Bird, like-minded Massachusetts men met to discuss politics. The greatest attention was given to the threatening expansion of slavery in the Western territories. Frank Bird was a political ally of Charles Sumner,⁵⁶ a fierce abolitionist and an anti-slavery Whig.⁵⁷ The men all believed in the “principle of equal rights under the law irrespective of race, color, or creed.”⁵⁸ Their radical anti-slavery position influenced public opinion in Massachusetts as well as members of Congress. To counter slavery and the South, “they conspired to harbor fugitive slaves, presided over abolitionist meetings, and subsidized John Brown’s activities in Kansas and his invasion of Virginia.”⁵⁹

Consequently, Democrats called the members of the Bird Club enemies of the Union, “single-minded ideologues, ‘Jacobins,’ and ‘drunken mutineers’ who had seized

⁵⁵ Wesley, “Negro Suffrage in the Period of Constitution-Making,” 166.

⁵⁶ Charles Sumner was a lawyer and leading abolitionist who later became a United States Senator. Sumner fought relentlessly for Black civil rights.

⁵⁷ Baum, *Civil War Party System*, 3.

⁵⁸ Baum, *Civil War Party System*, 4.

⁵⁹ Baum, *Civil War Party System*, 3.

the Massachusetts ship of state.”⁶⁰ By the mid 1850s the club members were strong abolitionists and supporters of the new Republican Party. Democrats, in anger, cried that the nation would end up racially amalgamated, while the Republicans quoted the Declaration of Independence that promised brotherhood of all men.⁶¹

Republican Party on the National Level

As the movement against the expansion of slavery into the Western territories gained followers in the 1840s and 1850s, especially in the Northeastern states, racial discrimination against African Americans increased in many Northern states. Founded in 1854 on the national level, the Republican Party defended the rights of African Americans. But prejudice and racism was also a part of the Republican Party politics. Although the party opposed the expansion of slavery in the territories, the denial of civil rights to free or enslaved African Americans in the country was seldom discussed, and the end of enslavement of people of color was not a part of the party’s political program. State Republican Parties formed after 1854, followed this national party line.⁶²

THE EDUCATIONAL IDEOLOGY OF HORACE MANN OF MASSACHUSETTS

In 1837 Massachusetts school system was in a dilapidated state. In 1833 Massachusetts clergymen no longer headed schools as a part of their parochial duty and private schools absorbed all the school funds from the public schools. Schools lacked

⁶⁰ Baum, *Civil War Party System*, 5.

⁶¹ Baum, *Civil War Party System*, 5.

⁶² Horsman, *Race and Manifest Destiny*, 275.

supervision and most wealthy and intelligent citizens of the state lost interest in education. Horace Mann, despite recognizing the low level of interest in the school system of Massachusetts, accepted the position of Secretary of the Massachusetts Board of Education in 1837.

Mann's parents had instilled a love for education in their son. "If my parents had not the means to give me knowledge they intensified the love of it. They always spoke of learning and learned men with enthusiasm and a kind of reverence."⁶³ Within a few years Mann built a common school system in Massachusetts, stressing reading and spelling. Under his leadership, children learned to memorize the alphabet and to read two- and three-letter combinations within words instead of entire words. He argued that, under the old system, "eleven-twelfths of all the children in the reading classes, in our schools, do not understand the meaning of the words they read."⁶⁴ Horace Mann had only a few original ideas on educational methods; most of his ideas were shaped by methods of teaching that he observed in Europe. However, Mann can be credited with identifying and implementing methods for teacher education. He recognized that the success of the common schools and the students was related to well-trained teachers, and Mann is recognized as the founder of Normal Schools as teacher training institutions. Mann's ideas were important and his lectures and writings on education not only influenced

⁶³ Jay Elmer Morgan, *Horace Mann: His Ideas and Ideals*, ed. Sherman F. Mittell (Washington, D.C.: National Home Library Foundation, 1936), 8.

⁶⁴ Robert B. Downs, *Horace Mann: Champion of Public Schools* (New York: Twayne Publishers, 1974), 47.

schoolteachers and superintendents in Massachusetts, but his influence extended as far as California.⁶⁵

Horace Mann believed that education should be inspiring and enlightened and teach both individual skills and responsibility for one's own destiny. Only educated men could achieve great and noble deeds. Mann also believed that "no real equality or democracy" could exist in the United States unless all people had the right to develop their own "talents and tastes."⁶⁶ The institution that could promote this was the common school.⁶⁷ Massachusetts' public school system was established and perfected under Horace Mann's leadership to "create the idealism and the feeling of national destiny necessary to national union." Mann led America's movement for civic education, which

⁶⁵ Downs, *Horace Mann: Champion of Public Schools*, 31-57.

⁶⁶ "All Men Created Equal—I have been taught from my earliest childhood "all men are created equal." This has become to me not merely a conviction of the understanding, but a sentiment of the heart. This maxim is my principle of action ... and it rises spontaneously to my contemplations when I speculate upon human duty. It is the plainest corollary from the doctrine of the natural equality of man, that when I see a man, or a class of men, who are not equal to myself in opportunities, in gifts, in means of improvement, or in motives and incitements to an elevated character and an exemplary life, -- I say, it is the plainest corollary that I should desire to elevate those men to an equality with myself." From "Thoughts from the Writings of Horace Mann," in Morgan, *Horace Mann: His Ideas and Ideals*, 124.

⁶⁷ The term "common" refers to a school that brings "together all the children of each little democratic community, on one common level of equal legal rights to an elementary education in the English language." Defined in John Swett, *American Public Schools: History and Pedagogics* (New York: American Book Company, 1900), 16.

ensured that the principles of the Declaration of Independence and the Constitution be taught to every child.⁶⁸

Under Mann's guidance, Massachusetts created on 20 April 1837 the first board of education in America with Mann as its secretary. The establishment of public-supported schools was always a struggle. The importance of public education was not seen by everyone as a necessity, especially not in the South, where the idea that "classes are essential – one to work, the other to improve; one portion of mankind is to be refined and cultivated, the other to suffer, toil, and live and die in vulgarity" persisted.⁶⁹ Only a few men believed that if democracy in America was to survive, broad-based education was necessary.

By the middle of the nineteenth century, however, each state had great men that fought for the establishment of an educational system. James G. Carter of Massachusetts, Henry Barnard of Connecticut, Calvin H. Wiley and Joseph Caldwell of North Carolina, Caleb Mills of Indiana, Gideon Hawley of New York, Samuel Lewis and Samuel Galloway of Ohio, Robert J. Breckinridge of Kentucky, and John Swett of California were important leaders, but Horace Mann was the inspiration for the movement to establish public school systems.⁷⁰

⁶⁸ Morgan, *Horace Mann: His Ideas and Ideals*, 4.

⁶⁹ Morgan, *Horace Mann: His Ideas and Ideals*, 14-15.

⁷⁰ Morgan, *Horace Mann: His Ideas and Ideals*, 15-16.

From 1837 until 1848 Mann was Secretary of the Massachusetts Board of Education battling “sordid politicians, unprogressive schoolmen, and sectarian preachers” to open free schools.⁷¹ Mann believed that education was “intellectual capital” for each educated person. He said: “My object is to show that education has a market value; that it is so far an article of merchandise that it may be turned to a pecuniary account.”⁷² He insisted on complete educational equality for all sexes and races,⁷³ emphasized the physical health of students, and introduced the elective system of study into the curriculum.⁷⁴

Horace Mann also understood well the relationship between freedom, education, and a republican government.⁷⁵

⁷¹ Morgan, *Horace Mann: His Ideas and Ideals*, 18.

⁷² Morgan, *Horace Mann: His Ideas and Ideals*, 21.

⁷³ “*Material Importance of Education*—No race of bondmen, smothered in the ignorance essential to slavery, can ever earn so much by their muscles as they could earn by their wrists, had they been educated and free. The hand is almost valueless at one end of the arm unless there is a brain at the other end.” From an Address at Antioch College, “Demands of the Age on Colleges,” in Morgan, *Horace Mann: His Ideas and Ideals*, 131.

⁷⁴ Morgan, *Horace Mann: His Ideas and Ideals*, 32.

⁷⁵ “... and in the history of the race, which proves the *absolute right* to an education of every human being that comes into the world; and which, of course, proves the correlative duty of every government to see that the means of that education are provided for all. ... Under our republican government, it seems clear that the minimum of this education can never be less than such as is sufficient to qualify each citizen for the civil and social duties he will be called to discharge; — such an education as teaches the individual the great laws of bodily health; as qualifies for the fulfillment of parental duties; as is indispensable for the civil functions of a witness or juror; as is necessary for the voter in municipal and in national affairs; and, finally, as is requisite for the faithful and conscientious discharge of all those duties which devolve upon the inheritor of a

A nation cannot long remain ignorant and free. No political structure, however artfully devised, can inherently guarantee the rights and liberties of citizens, for freedom can be secure only as knowledge is widely distributed among the populace. Hence, universal popular education is the only foundation on which republican government can securely rest. ... Knowledge was power, to be sure, but a power that could be used for good or evil.⁷⁶

Mann saw the public schools as a place that could construct the American character, one that would be called the melting pot a century later. He hoped for the integration of all cultural traditions and children of all colors. For him education was a right of every child from any social, ethnic, economic, or religious background.⁷⁷ Mann believed universal education was the “great equalizer of human conditions,” the “balance wheel of the social machinery,” and the “creator of wealth undreamed of.”⁷⁸

Universal education, according to Mann, could decrease the dominion of capital over labor. The ignorant would be enlightened, enabling them to gain property and

portion of the sovereignty of this great Republic.” From the “Tenth Annual Report,” quoted in Morgan, *Horace Mann: His Ideas and Ideals*, 131.

⁷⁶ Lawrence A. Cremin, ed., *The Republic and the School: Horace Mann on the Education of Free Men* (New York: Bureau of Publication Teachers College, Columbia University, 1957), 7.

⁷⁷ Cremin, *Republic and the School*, 8.

⁷⁸ Cremin, *Republic and the School*, 8.

capital.⁷⁹ Education would not only elevate the morals of the men, but it would give independence to men and the means to resist oppression by others.⁸⁰

About the Massachusetts system of Common Schools, which he established in 1837, Mann said:

In a social and political sense, it is a *Free* school system. It knows no distinction of rich and poor, of bond and free, or between those who, in the imperfect light of this world, are seeking, through different avenues, to reach the gate of heaven. Without money and without price, it throws open its doors, and spreads the table of its bounty, for all the children of the State.⁸¹

Education in New England

Education in America, whether for Blacks or non-Blacks, in the eighteenth century was related to the churches. In 1774 Quakers in Philadelphia opened schools for children of African descent and in 1777 New Jersey provided public support for the education of free African Americans. In New York, the Manumission Society opened an African Free School in 1787. In 1798 in Boston, Massachusetts, a school opened for African American children in the home of Primus Hall, a prominent man of African descent. By the late eighteenth century, some African American schools in the North were tax-supported.⁸²

⁷⁹ Cremin, *Republic and the School*, 86.

⁸⁰ Cremin, *Republic and the School*, 111-12.

⁸¹ Cremin, *Republic and the School*, 111-12.

⁸² Russell L. Adams, *Great Negroes: Past and Present* (Chicago: AFRO-AM Publishing Company, 1969), 133.

Black churches established educational facilities when public monies could not be secured. African American clergy believed public schools were established only to educate the poor. However, over time this view that public education was charity declined and African Americans sent their children to public schools. In some districts in Pennsylvania parents were unhappy since schools catered to non-Black youth and they petitioned the school boards to create separate schools. These petitions were accepted and boards of education provided for "colored schools,"⁸³ which were to be partly or wholly publicly funded.⁸⁴

In the nineteenth century New York supported Free African Schools with public money. "In 1841 the New York legislature authorized any district, with the approbation of the school commissioners, to establish a separate school for the colored children in their locality."⁸⁵ By 1830 Connecticut and Rhode Island also supported a few schools for African Americans with public money.⁸⁶ In 1822 a publicly funded "colored school" was opened in Philadelphia when the Abolition Society applied for "the share of the fund to which the children of African descent were entitled by law" following the opening of a

⁸³ The term "colored school" was in general use at the time to describe schools for African American children.

⁸⁴ C. G. Woodson, *The Education of the Negro Prior to 1861* (New York: Arno Press and The New York Times, 1968), 307-08.

⁸⁵ Woodson, *Education of the Negro*, 311.

⁸⁶ Adams, *Great Negroes*, 133.

White public school in 1818.⁸⁷ More “colored schools” were opened in 1833 and 1841. “Harrisburg had a colored school early in the century, but upon the establishment of the Lancasterian School⁸⁸ in that city in the thirties, the colored as well as the white children were required to attend it or pay for their education themselves.”⁸⁹ In New Jersey, where the African American community was never large, their children always attended public schools with non-Black children. “The New Jersey Constitution of 1844 provided that the funds for the support of the public schools should be applied for the equal benefit of all the people of that State.”⁹⁰ The Rhode Island legislature in 1866 passed an act abolishing separate schools for African Americans.⁹¹ In Connecticut, as in the other New England states of New Hampshire, Vermont, and Maine, Black and non-Black students

⁸⁷ Woodson, *Education of the Negro*, 309.

⁸⁸ Lancasterian Schools were established in urban cities during the 1820s and 1830s. “Lancaster’s basic idea was to use student monitors throughout the day to hear the recitations of a small group of students, usually no more than ten or twelve, with each scholar competing for advancement within the group. From the front of the room, the master instructed the monitors and controlled the movement of students with an elaborate system of signals. ... Lancaster replaced the traditional pedagogy of individual recitation with a pedagogy of simultaneous instruction: when monitors taught, they did not instruct each student individually, but taught a whole ‘class’ simultaneously,” William R. Johnson, “Chanting Choristers: Simultaneous Recitation in Baltimore’s Nineteenth-Century Primary Schools,” *History of Education Quarterly*, 34, no. 1 (spring, 1994): 3.

⁸⁹ Woodson, *Education of the Negro*, 309.

⁹⁰ Woodson, *Education of the Negro*, 310.

⁹¹ Woodson, *Education of the Negro*, 316-17.

attended schools together. "It seems, too, that colored children were well received and instructed as thoroughly as their white friends."⁹²

Boston

Boston continued to operate segregated public schools until 1855. During the early nineteenth century, African Americans in Massachusetts had to fight for public education for their children. African Americans based their action on the state's Declaration of Rights and on the equality of men before the law. Education advocates held meetings to prepare petitions to the public school committees until eventually African American students were accepted in the public schools in all towns in Massachusetts except Boston.⁹³ Not until 1820 did Boston open its first primary school for African American children.⁹⁴

Boston's Black community was larger than in all the other towns in Massachusetts combined and the White community opposed school integration. The parents of Boston's African American children did not accept that their children should be banned from the public schools simply because they were Black. Edmund Jackson, H. J. Bowditch, and other citizens petitioned for the admission of Black children to the public schools in 1844, but the school committee denied the petition.⁹⁵ Thereafter,

⁹² Woodson, *Education of the Negro*, 317.

⁹³ In Boston, religion had a strong influence on the political government. Changes were not easily made.

⁹⁴ Woodson, *Education of the Negro*, 320.

⁹⁵ Dr. Henry J. Bowditch and Edmund Jackson were abolitionists, however, their ethnicity is unknown. James Brewer Stewart in *Holy Warriors: The Abolitionists and*

encouraged by the fact that children of African descent were admitted to the schools of Salem, Nantucket, New Bedford, and Lowell, African Americans and their supporters attacked the racism in Boston's school system. Black and non-Black citizens of Boston fought for the admittance of Black children into the public school system. The result was the case *Roberts v. The City of Boston*, which tested school segregation in 1849.

Roberts v. The City of Boston (1849)

In 1849 the father of five-year-old Sarah C. Roberts, Benjamin F. Roberts, sued the City of Boston under the statute of 1845, c. 214, which provided "that any child, unlawfully excluded from public school instruction in this commonwealth, shall recover damages therefore against the city or town by which such public instruction is supported." Sarah's father applied in April of 1847 for her admission to the primary school closest to their residence, only nine hundred feet away. However, the school committee refused her admittance to the school based on the color of her skin. The committee responded that she should attend one of two "colored primary schools" established for the exclusive use of African American students. One school, established in 1820, was twenty-one hundred feet away from Sarah's home and the second "colored school" in the Sun Court Street was even farther away.⁹⁶

American Slavery (New York: Hill and Wang, 1976) does not specifically identify abolitionists by the color of their skin.

⁹⁶ *Roberts v. The City of Boston* (Supreme Court of Massachusetts, Suffolk 1849).

The abolitionist Whig Charles Sumner⁹⁷ acted as counsel for Sarah and her father. He based his argument on the Constitution of Massachusetts, Part First, Articles I. and VI., "all men, without distinction of color or race, are equal before the law."⁹⁸ He argued that the separation of children in the public schools of Boston, based on the color of their skin or on race, was a classification of caste and a violation of equality. He admitted that the school committee had provided the "colored school" with competent and equivalent instructors. Nevertheless, since

the separate school for colored children is not one of the schools established by the law relating to public schools, and having no legal existence, cannot be a legal equivalent. It is not in fact an equivalent. It is the occasion of inconveniences to the colored children, to which they would not be exposed if they had access to the nearest public schools; it inflicts upon them the stigma of cast; and although the matters taught in the two schools may be precisely the same, a school exclusively devoted to one class must differ essentially, in its spirit and character, from that public school known to the law, where all classes meet together in equality.⁹⁹

⁹⁷ During the time of the Radical Reconstruction in Congress, Charles Sumner of Massachusetts was one of the U.S. Senators advocating mixed schools on the national level. Sumner condemned segregation after the *Roberts* case as a contradiction to the principle of the Declaration of Independence and the Massachusetts Constitution of 1780. He never gave up his point of view that school segregation was against better interests of American democracy. Unfortunately he was unable to gain the majority on ending school segregation within his own political party, the Republicans; they supported his fight, but did not care much for the issue itself. The Republicans only adopted the issue of school segregation when it furthered their own strategies and interests, but not the one of African American children. Alfred H. Kelly, "The Congressional Controversy over School Segregation, 1867-1875," *The American Historical Review* 64, no. 3 (April 1959): 539.

⁹⁸ Quoted in *Roberts v. The City of Boston*.

⁹⁹ *Roberts v. The City of Boston*.

The opinion of the court reads:

The great principle, advanced by the learned and eloquent advocate of the plaintiff, is, that by the constitution and laws of Massachusetts, all persons without distinction of age or sex, birth or color, origin or condition, are equal before the law. ... Conceding, therefore, in the fullest manner, that colored persons, the descendants of Africans, are entitled by law, in this commonwealth, to equal rights, constitutional and political, civil and social, the question then arises, whether the regulation in question, which provides separate schools for colored children, is a violation of any of these rights. ... On the whole the court are of opinion, that upon the facts stated, the action cannot be maintained.¹⁰⁰

In 1855, as opposition to school integration continued in Boston, the Massachusetts legislature enacted a law providing “that in determining the qualifications of a scholar to be admitted to any public school no distinction should be made on account of the race, color, or religious opinion of the applicant.”¹⁰¹

NEW BEDFORD

New Bedford, Massachusetts, is worth special notice. For African Americans this city must have seemed the Promised Land. Frederick Douglass, who lived in New Bedford for three years after he fled from the South in the early 1800s, described his surprise about the living conditions of African Americans in the city. His friend Nathan Johnson:

lived in a better house — dined at a richer board — was the owner of more books — the reader of more newspapers — was more

¹⁰⁰ *Roberts v. The City of Boston.*

¹⁰¹ Woodson, *Education of the Negro*, 325.

conversant with the political and social condition of this nation and the world — than nine-tenths of all the slaveholders of Talbot County, Maryland.¹⁰²

Douglass described in *My Bondage and My Freedom* that New Bedford's environment for African Americans came pretty close to freedom.

I was taken all aback when Mr. Johnson—who lost no time in making me acquainted with the fact—told me that there was nothing in the constitution of Massachusetts to prevent a colored man from holding any office in the state. There the black man's children—although anti-slavery was then far from popular—went to school side by side with the white children, and apparently without objection from any quarter.¹⁰³

New Bedford was the “whaling capital of the world,” and in the 1850s wealthier than any other city of its size in the country. From New Bedford ships sailed all over the world. Many foreign whaling vessels also entered New Bedford's port. They brought sailors, merchants, and news from around the globe. The city's African Americans were better informed about the conditions of their brothers in the South and the opening of the West than were Blacks in any other community.¹⁰⁴

On the streets of New Bedford many different ethnicities and cultures interacted—Portuguese, Europeans, Africans, Asians, Polynesians and even Eskimos. This ethnic mixture was reflected in the Black community where ethnicities from far

¹⁰² Adams, *On the Altar of Freedom*, xix; Frederick Douglass, *My Bondage and My Freedom*, Philip S. Foner, ed. (New York and Auburn: Miller, Orton & Mulligan, 1855; reprint, 1969), 343.

¹⁰³ Douglass, *My Bondage and My Freedom*, 346.

¹⁰⁴ Adams, *On the Altar of Freedom*, xix.

away regions intermarried with Africans from Cape Verde, other West Indies locations, descendants of once enslaved Africans,¹⁰⁵ and Wampanoag Indians.¹⁰⁶ By the late 1850s the City of New Bedford had a large community of skilled, educated, and articulate African Americans.¹⁰⁷

According to the 1860 census of Massachusetts, New Bedford's Black population of 1,518 persons was just a bit smaller than the Black community of Boston.¹⁰⁸ The African American community celebrated annually on 1 August the 1834 British emancipation of the West Indies with a parade, speeches, and picnics. It also harbored runaway slaves from the South. Black and non-Black abolitionists gave former slaves shelter and helped them to establish an economic foothold.¹⁰⁹

¹⁰⁵ Massachusetts outlawed slavery in 1783.

¹⁰⁶ Adams, *On the Altar of Freedom*, xix.

¹⁰⁷ Historians note a number of skilled and unskilled labor roles that African Americans filled in addition to agricultural and domestic work in the Northeastern states. Jobs included: "anchor maker, baker, barber, blacksmith, bloomer, bookbinder, brick maker, butcher, carpenter, chairmaker, chimney sweep, cook, cooper, ditch digger, distiller, doctor, due maker, ferryman, fisherman, fox hunter, grocer, iron worker, mason, miner, nailor, porter, potash maker, pressman, rope maker, sailmaker, sawyer, seaman, sexton, shipwright, shoemaker, stave maker, soap boiler, spinner, tailor, tallow chandler, tanner, teamster, tinker, type setter, washerwoman, watchmaker, weaver, whitesmith, and woodsman." William D. Piersen, *Black Yankees: The Development of an Afro-American Subculture in Eighteenth-Century New England* (Amherst: The University of Massachusetts Press, 1988), 43.

¹⁰⁸ Adams, *On the Altar of Freedom*, xix.

¹⁰⁹ Adams, *On the Altar of Freedom*, xx; Douglass, *My Bondage and My Freedom*, 342.

Frederick Douglass was always impressed at how freely and openly African Americans spoke out for their rights in New Bedford.

I was somewhat amazed to see colored men drawing up resolutions and offering them for consideration. ... They were educated, and possessed what seemed to me, at that time, very superior talents.¹¹⁰

The way of life that African Americans enjoyed in New Bedford was rooted in the fight that Paul Cuffe began in 1788 when he went before the General Court of Massachusetts to petition for exemption from taxation on the basis that he had only a few rights of White people.¹¹¹

Paul Cuffe

One of the first prominent African American citizens of New Bedford was Paul Cuffe, a shipping merchant and Quaker.¹¹² He founded the first “colored school” in the city and was largely responsible for African Americans gaining the right to vote in Massachusetts. At the age of nineteen he and his brother John sued the State of

¹¹⁰ Douglass, *My Bondage and My Freedom*, 350.

¹¹¹ Adams, *On the Altar of Freedom*, xx.

¹¹² Other prominent African American citizens of Massachusetts during the time period were Crispus Attucks killed by British soldiers on 5 March 1770, in the Boston Massacre; Phillis Wheatley, poet; Peter Salem, minuteman who stood against the British at Concord Bridge on 19 April 1775, and in the Battle of Bunker Hill; Prince Hall, founder of the Black Masonic Lodge in Boston; John Russwurm, graduate from Bowdoin College; David Walker who published his *Appeal* in Boston; Macon B. Allen in 1845 Massachusetts’ first licensed African American attorney; Frederick Douglass elected as the president of the New England Anti-Slavery Society; Lewis Latimer, inventor, born in Chelsea, Massachusetts; William C. Nell, the first African American to hold a civilian job with the federal government in Boston; Rebecca Lee, the first African American female physician graduated from New England Medical College in 1866, W.E.B. Du Bois, born in Great Barrington, Massachusetts. Richard G. Leary, “A Chronological History of new Bedford,” <http://www.newbedford.com/chrono.html> (15 June 2003).

Massachusetts; although he lost that suit, Massachusetts only a few years later gave African Americans the right to vote.¹¹³

From age sixteen, Paul Cuffe worked on a whaleship and saved money. By 1797 he had saved enough to purchase a farm for \$3,500.¹¹⁴ Dissatisfied with the fact that New Bedford had no schools for African American children, he built a schoolhouse on his farm with his own money and hired and paid a teacher out of his own pocket to educate the Black children of the town. When Paul Cuffe died, he left his family an estate worth more than \$20,000.¹¹⁵ He bequeathed his ship to his two daughters, thus making them two of the very few women ship owners in the country during the eighteenth century.¹¹⁶

By 1838 New Bedford had admitted children of African descent into the public schools with non-Black students. A few years later the school committee reported that the African American students who attended classes regularly were equal to non-Black students in their academic achievements. In 1846, ninety African American children attended the city's schools; four were in high school, forty in grammar schools, and forty-six in the primary school.¹¹⁷

¹¹³ Adams, *Great Negroes*, 27.

¹¹⁴ Adams, *Great Negroes*, 27.

¹¹⁵ Adams, *Great Negroes*, 27.

¹¹⁶ Patricia C. McKissack and Frederick L. McKissack, *Black Hands, White Sails* (New York: Scholastic Press, 1999), 38.

¹¹⁷ Woodson, *Education of the Negro*, 320-21.

Underground Railroad in New Bedford

The French observer Alexis De Tocqueville¹¹⁸ once said, "In the United States people abolish slavery for the sake not of the Negroes but of the white men."¹¹⁹ While this statement perhaps is true in general, given the economics of slavery, it was not true for all states. "Not only was there little place in the New England economy for slave labor, but also strong feeling against it as an institution."¹²⁰ In the New England states, the demand for abolition of slavery was also paired with the demand for liberty, freedom, and equality for African Americans.

The first Anti-Slavery Society was founded in New Bedford, Massachusetts, in 1834. The society began with seventy-two members, about a quarter of them of African descent.¹²¹ During the 1830s, when the first abolitionists appeared to be "advocating both the end of slavery and the incorporation of the blacks into white society, anti-abolitionist violence arose in Northern cities."¹²² In the early 1850s, when the abolitionist movement and the opposition to the extension of slavery increased, racial

¹¹⁸ Alexis De Tocqueville (1805-1859) was born in Paris, France, where he later studied law. When he was in his twenties he visited the United States and his experiences with the political system are expressed in the classic study *Democracy in America*.

¹¹⁹ J. P. Mayer, ed., *Alexis De Tocqueville: Democracy in America* (New York: HarperCollins Publishers, 1969), 344.

¹²⁰ Esther Forbes, *Paul Revere and the World He Lived In* (Boston: Houghton Mifflin Company, 1942), 36-37.

¹²¹ Adams, *On the Altar of Freedom*, xx.

¹²² Horsman, *Race and Manifest Destiny*, 274.

discrimination against Blacks in Northern cities increased as well.¹²³ Nonetheless, the citizens of New Bedford violated the federal fugitive slave laws¹²⁴ and, despite the fear of attacks from anti-abolitionists, harbored fugitive slaves.

By the beginning of the Civil War the number of runaway slaves in New Bedford was estimated as between three hundred and seven hundred. According to New Bedford's Daniel Ricketson, "[i]t is said that at one time in the early part of the present century there was hardly a house in the place which did not give shelter and succor to a fugitive slave."¹²⁵ The people of New Bedford began long before 1793 to harbor fugitive slaves from the South. With the help of the Quakers, who put God's law before civil law, they circumvented the national fugitive slave laws.

Black and non-Black abolitionists worked side by side to help runaway slaves, making New Bedford the center of the Underground Railroad. With the help of dockworkers, officers and seamen, many slaves escaped from the South to New Bedford. By 1840, Black captains and ship owners commanded both Black and non-Black crews. Many whaling ship captains and sailors were abolitionists and helped fugitive slaves to escape the South. With the "Seaman's Protection Certificate"¹²⁶ of a sailor they were

¹²³ Horsman, *Race and Manifest Destiny*, 275.

¹²⁴ Fugitive Slave Law of 1793 and Fugitive Slave Law of 1850.

¹²⁵ Kathryn Grover, *The Fugitive's Gibraltar: Escaping Slaves and Abolitionism in New Bedford, Massachusetts* (Amherst: University of Massachusetts Press, 2001), 1.

¹²⁶ United States collector of customs in any U.S. port made out the certificate. African American sailors needed a birth certificate or other proof of citizenship AND Emancipation Papers. The physical description of the holder of the certificate was most

often smuggled on board. "While on shore seamen often helped abolitionists to plan escapes of slaves."¹²⁷ Since laborers were always needed in the city and in the whaling industry, runaway slaves were able to establish a life for themselves and become members of the community. Many escaped slaves joined whaling crews, became "conductors" for the Underground Railroad and helped others into safety.

National Reformed Conventions of Colored People

In September 1840 a national African American convention under the leadership of David Ruggles¹²⁸ established the goal of the five hundred thousand free African American citizens of the United States to "[extricate] themselves from the tyrants yoke, and the degrading influence of slavery upon the free Negro population."¹²⁹ After 1840, societies of free Blacks held conventions in New England and other states, including Ohio, Illinois, Michigan, and Indiana.¹³⁰

often not enough to identify the holder. This was one reason why fugitives could use the certificate to be smuggled out of the South. Frederick Douglass also used a Seaman's Protection Certificate from the sailor named "Stanley" to buy a train ticket and to board a train to escape to New York. Waldo E. Martin, Jr., *The Mind of Frederick Douglass* (Chapel Hill: University of North Carolina Press, 1984), 40.

¹²⁷ McKissack and McKissack, *Black Hands, White Sails*, 48-51.

¹²⁸ Ruggles, after his migration to California, was one of the leaders of the State Conventions of the Colored Citizens of California during the 1850s and 1860s.

¹²⁹ Philip S. Foner and George E. Walker, eds., *Proceedings of the Black State Conventions, 1840-1865*, 2 vols., vol. 1 (Philadelphia: Temple University Press, 1979), xii.

¹³⁰ Foner and Walker, *Proceedings of the Black State Conventions*, xii.

In 1843, fifty-eight delegates participated in the National Negro Convention in Buffalo, New York. Thirty-six were from New York State, but Virginia, North Carolina, and Georgia were also represented. The delegates elected Henry Highland Garnet as president and decided to send orators into the Northern states to inform non-Blacks and African Americans about "the claims, disabilities, sentiments and wishes of the colored people, to impress the free blacks with the importance of education, of improvement in science and literature, and of applying themselves to the mechanical arts."¹³¹ They also resolved to petition Congress for the abolition of slavery in the Western territories. At the National Colored Convention in Troy, New York, in 1847 abolition of slavery was still the major issue.¹³²

After passage of the 1850 Fugitive Slave Law, an estimated twenty thousand free African Americans left their homes and jobs and fled to Canada.¹³³ This law was a compromise to the South for admitting California as a slave-free state to the Union. Many African Americans, terrified of slave catchers and fearing public gatherings, no longer felt safe in most of the Northern and Northeastern states where escaped slaves were especially in danger of being returned to the South. However, in Massachusetts free and fugitive slaves felt relatively safe. Frederick Douglass stated,

... no slaveholder could take a slave from New Bedford; that there were men there who would lay down their lives, before such an

¹³¹ Foner and Walker, *Proceedings of the Black State Conventions*, xii.

¹³² Foner and Walker, *Proceedings of the Black State Conventions*, xii.

¹³³ Foner and Walker, *Proceedings of the Black State Conventions*, xiii.

outrage could be perpetrated. The colored people themselves were of the best metal, and would fight for liberty to the death.¹³⁴

In 1853 one hundred forty delegates from nine states met in Rochester, New York, in one of the most important of all African American conventions. Frederick Douglass had drawn up an "Address of the Colored Convention to the People of the United States" and it was adopted by the Convention. The address demanded equality for all African Americans; free access to schoolhouses, workshops, churches, and colleges; "that white and black may stand upon an equal footing before the laws of the land"; no more exclusion from the jury box; and the unrestricted right of suffrage for African American men. Douglass argued that "[t]hese demands were justified on the simple principle that the Negro people were American citizens asserting their rights ... on their own native soil."¹³⁵

Although the conventions had little effect on national policies toward African Americans, they had a positive influence on people in rural regions of the North where local Black communities held meetings, created benevolent societies to aid the needy, supported teachers and social workers, and created jobs for their own people and markets to sell their goods. This influence extended in the 1850s into the rural environment of California and enabled immigrating African Americans to use organizational tools that delegates had acquired in the African American conventions to establish their own communities.

¹³⁴ Douglass, *My Bondage and My Freedom*, 346.

¹³⁵ Foner and Walker, *Proceedings of the Black State Conventions*, xiii.

The Negro Conventions had another positive aspect. They were organs through which African Americans could learn to voice their dissatisfaction with society and the government. Within their own organizations African Americans could build self-reliance. They could speak, vote, petition as a group, and learn the power of numbers. The conventions gave birth to a grass-roots movement for Black community activism. At the conventions Philip A. Bell, Mifflin W. Gibbs, Peter Lester, James G. Barbadoes, and others¹³⁶ who would be active and influential within few years later in California, learned communal organization and honed their political skills under the tutelage of Frederick Douglass, Charles Lenox Remond, William Lloyd Garrison, and Charles Sumner.

INFLUX OF NEW ENGLAND PIONEERS AND THEIR IDEOLOGIES INTO CALIFORNIA

By the mid 1800s, African Americans and Whites had lived, worked, worshiped, learned, studied, voted, and spoke of justice side-by-side in New England and other liberal minded states, such as Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Many migrants to California from these states had been born into a system of equality within states that established the public school system under Horace Mann's ideology. Their egalitarian social and political ideologies, fostered by an equal education system and militant

¹³⁶ These men were early Black delegates of the Conventions of Colored Citizens of California and leaders of the community.

abolitionism, came with them when they left New England or New York and Philadelphia for California in the late 1840s.

Kathryn Grover has compiled the names of African Americans¹³⁷ that left New Bedford after 1848 to migrate to California. Some were runaway slaves, but most were

¹³⁷ Allen, John W.; Antone, Joseph Jr.; Blackburn, John; Borden, Nathaniel A.; Bracy, Henry; Brooks, Lloyd H.; Buchanan, Thomas; Butler, John; Campell, James; Carroll, Henry; Carter, Gilbert; Clark, Archibald L.; Clark, John C.; Cooper, Thomas; Croucher, Thomas; Davis, James R.; Dyer, James P.; Easton, Charles F./T.; Ellis, David; Ferguson, William; Flood Isaac (he married in 1856 Elizabeth Thorn Scott, the teacher of Sacramento's first colored school); Flood, Mary Collins; Fletcher, George F.; Freeman, Anna Eliza; Gardner, James; Gardner, Oliver C.; Gibson, Charles; Goldsborough, Robert; Grantum, William H.; Hamer, George H.; Hamilton, John; Harrison, William H.; Henson, Isaac; Hoffman, Alexander; Howard, Alexander; Howard, Martha A.; Howard, Rebecca H.; Howard, Shadrack; Hyde, James H.; Jackson, Manuel; Jackson, Thomas H.; Jenifer, John T.; Johnson, Alfred; Johnson, David C.; Johnson, Edward; Johnson, Ezra Rothschild (in 1867 Johnson held on the anniversary of the Emancipation Proclamation a speech in San Francisco celebrating Lincoln's decision); Johnson, Harriet; Johnson, Nathan (he gave fugitive slaves shelter in his home in New Bedford; when he left the city he left his wife an estate of \$15,500 until his return in 1871); Jones, Abraham; Jones, Henry; Jones, Henry H.; Jones, John M.; Jones, William; Jourdain, Anthony G.; Kent, Christopher; King, Isaiah; Lewis, David; Lewis, Edward; Lyons, Marcus J.; Marshall, George; Modon, Frelan; Moore, James; Moore, John (first teacher of the "colored school" in San Francisco); Nelson, Thomas; Peneton, Solomon; Phelps, Edward; Piper, Philip F.; Pleasant, Mary Ellen (helped John Brown with \$30,000 to purchase ammunition for his attack on Harpers Ferry); Price, William; Quin, Robert; Randall, Alfred; Randolph, T.E.; Ridgley, Henry; Robinson, John; Roper, Peter; Ruggles, David W. (helped Frederick Douglass to escape from New York to New Bedford; active in the California State Conventions of Colored Citizens); Sanderson, Cathrine; Sanderson, Jeremiah Burke (great educator, responsible for gaining public money for the "colored schools" in California from the legislature, the establishment of the "colored schools" in Sacramento and Stockton, Reverend); Seals, Albert T.; Seals, William H.; Serrington, William; Shields, Paul; Smith, Ananias; Smith, Thomas; Smith, Washington B.; Smith, William H.; Stephens, John; Stewart, Ellen; Sullivan, Daniel; Thomas, Charles C.; Thomas, Edward; Vessals, James H.; Ward, Thomas M.D.; Warfield, James; Washington, Frederick A.; Waters, Emery; White, Noah; Williams, Charles; Williams, James; Wilmot, James H.; Winston, William; Woodland, Samuel; Wright, James. These are only the African Americans that came from New Bedford to California. During the

respected and relatively wealthy members of the Black community. Their abolitionist mentality and ideology went west with them and the connections between the City by the Bay in the Golden State and the City by the Bay in Massachusetts endured. Many ships sailed between New Bedford and San Francisco, exchanging letters, newspapers, news, and runaway slaves until after the Civil War.

Whether African American or non-Black, essentially all immigrants came to California for economic gains. One passenger gave a good account in his travel diary:

The *Argonaut* of Boston, with nearly 300 passengers, many of whom our passengers were acquainted with, sailed past us while we were anchored in Boston harbor, about three hours before we sailed. On the morning of March 16, [1850] we found ourselves, at daylight, off San Francisco, near the Golden Gate, with only one ship in sight ahead of us at the mouth of the harbor. Later on this ship proved to be the *Argonaut*. ... Most of our passengers left for the gold mines immediately on arriving in San Francisco, expecting to be able to get their pile and return home in a few months; ... Before leaving the ship one of the ship's passengers, Henry Howe, of Malden, Massachusetts, a watch and clock maker, formed a partnership with me for the manufacture in San Francisco of scales for the weighing of gold and gold dust taken from the mines. At this time there was a good demand for these scales, and few of them to be had in that market.¹³⁸

The New Englanders used established maritime travel and trading routes or journeyed by way of the overland routes from New England to California.¹³⁹ From the

years examined in this study, many of these New Englanders established themselves successfully in California. Grover, *Fugitive's Gibraltar*.

¹³⁸ Robert Waterston Lord, "Five Years in California in Its Early Days," *The New England Quarterly* 11, no. 2 (June 1938): 289.

¹³⁹ Kevin Starr and Richard J. Orsi, eds., *Rooted in Barbarous Soil: People, Culture, and Community in Gold Rush California*, California History Sesquicentennial

cities of Boston, Philadelphia, and New York experienced and politically well-educated people participated in the gold rush and populated early California. These Northeastern and Middle Atlantic migrants brought their ideas about local government and social institutions with them.¹⁴⁰ At least half of the African American migrants were free Blacks from the Northeastern states, especially from Massachusetts and New York.¹⁴¹ Some African Americans were runaway slaves while others came from the West Indies, the Sandwich Islands, or Cape Verde.¹⁴² Not all African Americans came from cities. Some were slaves from Southern plantations brought into the state despite the fact that slavery was outlawed; many runaway slaves came from the Southern rural countryside.¹⁴³ Yankee ministers that sent many young men on their voyage to California warned them

Series (Berkeley: University of California Press for the California Historical Society, summer 2000), 67-68.

¹⁴⁰ James J. Rawls and Richard J. Orsi, eds., *A Golden State: Mining and Economic Development in Gold Rush California*, California History Sesquicentennial Series (Berkeley: University of California Press for the California Historical Society, winter 1998/99), 27.

¹⁴¹ Daniels compiled information about African Americans immigrants during the 1850s to California: from New York (177), Massachusetts (115), Pennsylvania (104), Maryland (119), Virginia (62), Louisiana (56), District of Columbia (54), and overseas (154). Daniels, *Pioneer Urbanites*, 18.

¹⁴² Blacks also came from Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington, D.C. Compiled by Guy Washington, ed., "The Underground Railroad to Freedom Project, 2002," Oakland: Pacific West Region of the National Park Service; also see Roger W. Lotchin, *San Francisco 1846-1856: From Hamlet to City* (New York: Oxford University Press, 1974), 104.

¹⁴³ Lotchin, *San Francisco 1846-1856*, 104.

of the "great moral peril in California." Edward Everett, president of Harvard College, advised them: "take the Bible in one hand and your New England civilization in the other and make your mark on the people and the country."¹⁴⁴

Newspapers of the Black communities in New York City and in New Bedford, Massachusetts, published article after article in 1848 describing the gold discoveries in California. One article stated that an African American miner found gold dust worth one hundred dollars in a single day. In January of 1849 an army officer stationed in California wrote a letter reprinted in New York's *Albany Argus* which stated: "The merest Negro could make more than our present governor."¹⁴⁵ In 1850 the *Liberator* published a letter signed by thirty-seven African Americans who claimed to earn between one hundred and three hundred dollars a month in California's mines.¹⁴⁶ News like this made many people want to go to California and find gold for themselves.

Some, however, were skeptical about California. Frederick Douglass's *North Star* and other Black newspapers warned African Americans of the prejudice that they might encounter in California. But the riches of the West were stronger magnets and lured

¹⁴⁴ "When Harvard College admitted its first Negro student, the white students threatened to leave. The President of the College stated that they could leave if they wished, but that if all of them withdrew, all the resources of the College would be devoted to the education of one Negro student." Florence B. Freedman, *Two Tickets to Freedom: The True Story of Ellen and William Craft, Fugitive Slaves* (New York: Peter Bedrick Books, 1971), 59.

¹⁴⁵ Quoted in Delores Nasom McBroome, *Parallel Communities: African Americans in California's East Bay 1850-1863* (New York: Garland Publishing, 1993), 5.

¹⁴⁶ McBroome, *Parallel Communities*, 5.

many. By late 1849 Frederick Douglass had changed his mind concerning California. In Congress harsher fugitive slave legislation as a compromise to the South for the acceptance of California as a slave-free state was discussed. Convinced that California was as safe as any place the American Colonization society offered, Douglass urged African Americans to migrate to California instead of leaving the United States.¹⁴⁷

Soon after their arrival in California, White immigrants began to form neighborhood organizations. A New Englander wrote home in 1850, "I lodge ... with a number of other Boston people, Holden and Reddington of E. Boston live next door so that we have a regular Massachusetts neighborhood."¹⁴⁸ African Americans also formed communities. Despite the fact that, in San Francisco, African Americans were not legally segregated residentially and could reside anywhere in the city, they chose to establish their own ethnic institutions and to practice their own customs. From 1849 to 1856 these Black communities formed slowly, because non-Black immigrants vastly outnumbered Blacks during the first seven years of the gold rush. Although some San Franciscans feared that Black and non-Black abolitionists might settle in the state, they did not stand in the way of the activities or development of the small African American community.¹⁴⁹ By 1856 members of the Black communities had opened two churches, one Masonic Lodge, a cultural and literary association called the San Francisco Atheneum, and

¹⁴⁷ Lisa Yount, *Frontier of Freedom: African Americans in the West* (New York: Facts on File, 1997), 41.

¹⁴⁸ Lotchin, *San Francisco 1846-1856*, 127.

¹⁴⁹ Lotchin, *San Francisco 1846-1856*, 129, 132.

celebrated the “anniversary of the final abolition of slavery in the British West Indies Colonies” as they had in New Bedford, Massachusetts.¹⁵⁰

In New England church and state had worked hand in hand. Therefore, the New England “Californians” sought to establish the same system. Ministers were active in political campaigns and in the establishment of schools. Thomas Starr King, a New England Unitarian Minister, was a strong proponent of the Union and spoke often in the 1850s against secession.¹⁵¹ Ministers were also responsible for opening schools in early San Francisco. Samuel Hopkins Willey, a Presbyterian seminarian from Andover, Massachusetts, who came to San Francisco in 1848, opened a Sunday school in Happy Valley. “In this instance, as in many others, the men who developed the churches and schools in the early city were one and the same.”¹⁵²

In May 1853, Henry Durant, later the first President of the University of California, arrived in California. Born in Andover, Massachusetts, Durant, who worked as preacher and teacher in New England before he began his work in California, tremendously influenced the University system in California with his New England ideologies.¹⁵³ The Superintendent of California Schools in the 1850s and 1860s and all

¹⁵⁰ Lotchin, *San Francisco 1846-1856*, 129.

¹⁵¹ Pomeroy, “California, 1846-1860,” 299.

¹⁵² Luckingham, “Religion in Early San Francisco,” 60-61.

¹⁵³ Henry Durant devoted his life to religion and education. After California joined the Union, Durant became absorbed by the idea of the development of higher education in the Far West. Durant left no writings of his own, however, his life was dedicated to the establishment of the College of California and the University of

the members of the Board of Education in San Francisco were from New England. Most of the teachers employed by the city were either from New York or from New England. These men brought a philosophy of equal education based on Horace Mann's ideas,¹⁵⁴ but California's Democratic legislature negated their efforts.

However, by 1856 the state was already influenced by the Puritan ideology. In December 1856 George Bates spoke to the Sons of New England at a meeting in San Francisco:

look upward to the many houses whose pointed spheres, rising heavenward, show that they are dedicated to God. ... we look around New England wives, New England husbands, New England children ... [and when] we leave the house of God ... we enter the school houses of the city ... these are New England school houses, New England scholars, New England teachers.¹⁵⁵

California. William Warren Ferrier, *Henry Durant: The New Englander Who Came to California with College on the Brain* (Berkeley: by the author, 1942), 9.

¹⁵⁴ Luckingham, "Religion in Early San Francisco," 63.

¹⁵⁵ Luckingham, "Religion in Early San Francisco," 63-64.

III. CALIFORNIA, 1850s TO 1863:

"DEMOCRATIC" POLITICS IN PUBLIC EDUCATION OVERRULE

NEW ENGLAND IDEOLOGIES

The decade of the 1850s in California was marked by a corrupt state legislature, the rise and fall of the Know-Nothing party, the founding of the state Republican Party and the establishment of a public education system. For eight of the decade's ten years California's government, entirely controlled by the Democratic Party, did not reflect New England ideologies.¹⁵⁶ Legislators originally from the Southern states brought their slaveowner mentality into the state and politics.¹⁵⁷ Suffrage was denied to African Americans and only Whites were permitted to testify in civil and criminal cases where

¹⁵⁶ Throughout the 1850s the Democratic Party governed in California, with the exception of 1855 to 1856, when the American Party or Know Nothing Party won the election. The Democrats broke up over the question of slavery and the Whigs (anti-slavery faction) formed the Republican Party with other like-minded politicians. The break up of the Democratic Party in California is assumed to be over the feud between David C. Broderick and William M. Gwin and the issue of slavery. In 1855, Broderick, supported by Northerners, blocked Gwin's reelection to the U.S. Senate. This turned anti-Broderick delegates away from the Democratic Party and to the Know-Nothings. William Henry Ellison, *The Self-Governing Dominion: California, 1849-1860* (Berkeley: University of California Press. 1950), 287.

¹⁵⁷ "The majority of California politicians were of Southern origin and sympathies. They were from the aristocratic plantation systems of the slave-labor states and were generally known as 'the Chivalry.'" Milton H. Shutes, *Lincoln in California* (Stanford: Stanford University Press, 1943) 16.

Whites and Blacks were involved passed.¹⁵⁸ In 1854 the state legislature went a step further and prohibited African American children from attending public schools.

INFLUENCE OF THE DEMOCRATIC PARTY IN CALIFORNIA

Private schools appeared sporadically in San Francisco in the early 1850s, but a demand to establish a public school system began to crystallize as growing numbers of parents became concerned about their children's welfare. Since the State Constitution of 1849 provided for the support and maintenance of a public school system, all the legislature had to do was finalize details about how to administer schools. The 1850-51 session of the state legislature passed the first school laws. State Superintendents of Public Instruction were elected into office on the political party ticket and therefore were of the same political ideology as the party governing the state. During the 1850s State Superintendents of Public Instruction were Democrats.

When California entered statehood in 1850, the Democrats controlled both houses of the legislature, held the governorship of the state, and sent one of two Senators to Washington, D.C.¹⁵⁹ However, by the end of the 1850s the Democratic Party faced

¹⁵⁸ Hunt stated the situation of African Americans in California: "... A hopeful sign of their improvement, ... was a Convention held last year at the State capital, with a view to petition the Legislature to remove the disabilities under which they feel degraded. A hopeful sign of a more just and generous feeling toward them on the part of the citizens, was the permission allowed them to assemble, and, without interruption or opposition, to carry out their plans. This was before the political campaign, the result of which has been to prepare the way still more for the redress of their wrongs." Rockwell D. Hunt, ed., *Of California and Californians*. 4 vols., vol. II (Chicago: Lewis Publishing, 1932), 145.

¹⁵⁹ Olin, Jr., *California Politics 1846-1920*, 19.

growing opposition from the new Republican Party, formed by San Franciscan lawyers and merchants and led by Cornelius Cole, Edwin and Charles Crocker, Mark Hopkins, Collis P. Huntington, and Leland Stanford.¹⁶⁰

Professional politicians came in large numbers with the gold rush fever to California. "David C. Broderick and William M. Gwin had told their friends before they left the east that they would return as United States senators [sic] from California."¹⁶¹ Because of the national electoral success of the Whig Party in 1848, wrote the *New York Herald*, "all the democratic [sic] politicians of the United States were thrown out of employment; and gold being discovered simultaneously in California, they went off there ... They introduced the New York system of politics into San Francisco."¹⁶² William Gwin, a Democrat, wrote in 1864 to his brother about his migration to California that he was "determined not to make money, but to devote all [his] energies to obtaining and maintaining political power."¹⁶³

The growing cities of San Francisco and Sacramento were in the hands of corrupt local governments;¹⁶⁴ gambling, vice, and dueling were outlawed, but practiced anyway.

¹⁶⁰ Olin, Jr., *California Politics 1846-1920*, 21.

¹⁶¹ Pomeroy, "California, 1846-1860," 295.

¹⁶² Pomeroy, "California, 1846-1860," 295.

¹⁶³ Gerald Stanley, "Senator William Gwin: Moderate or Racist?" *California Historical Society Quarterly* 50 (September 1971): 243.

¹⁶⁴ The most outrageous corruption happened in the prison system. The *San Francisco Bulletin* exposed "the corrupt activities of James Estell, the state prison director, [who] had sent several Negro inmates from the state prisons to New Orleans

Broderick, a former Democratic Party Tammany Hall ward boss,¹⁶⁵ had total control over San Francisco city and county politics until his death in 1859. In the city's political environment men were "promoted" into office by two different ways. Either elected politicians set up their own family members in profitable positions, or one gained a public office by agreeing to support corruptive measures. Broderick prospered economically as nepotism and bribery gained men elected jobs.¹⁶⁶

In San Francisco he became the dictator of the municipality. His political lessons and observations in New York were priceless. He introduced a modification of the same organization in San Francisco with which Tammany has controlled New York for 10! of these many years. It was briefly this. At a forthcoming election a number of offices were to be filled; those of sheriff, district attorney, alderman, and places in the legislature. Several of these positions were very lucrative, notably that of the sheriff, tax-collector, and assessor. The incumbents received no specified salaries, but were entitled to all or a certain proportion of the fees.¹⁶⁷

When Broderick came to California, he brought many of his Tammany sluggers.¹⁶⁸ They took over federal and municipal jobs and used the same methods that

where they were sold into slavery" [in 1857]. Quoted in Eugene H. Berwanger, "The Black Law Question in Antebellum California," *Journal of the West* 6 (April 1967): 216.

¹⁶⁵ Voting districts in New York were called "wards" and the men controlling the wards were "bosses."

¹⁶⁶ Herbert Asbury, *The Barbary Coast: An Informal History of the San Francisco Underworld* (New York: Alfred A. Knopf, 1933), 78.

¹⁶⁷ Asbury, *Barbary Coast*, 78.

¹⁶⁸ The Hounds attacked Spanish-Americans, "they were the pets of the politicians, most of whom had learned the arts of chicanery as henchmen of New York's Tammany Hall and who had already begun to despoil the city treasure. ... On one

were successful in New York. "Intimidation, at the polls and elsewhere, which had always proved so efficacious in New York," helped to steer elections in the "right" way.¹⁶⁹ Democratic politicians of the 1850s saw the state legislature as a means to line their pockets. Criminals worked under the protection of the politicians. By the middle of the 1850s, San Francisco was "a hell-roaring swirl of crime and debauchery, ... the city swarmed with murderers, thieves, burglars, gamblers, prostitutes, and swindlers of every degree."¹⁷⁰

One matter intensively debated in the first California State Legislature was the issue of slavery. The agricultural part of southern California favored slavery, while the metropolitan northern part of California opposed expansion of slavery into the state.¹⁷¹ The position of the Southern delegates over slavery created an uneasy feeling among the Northern Democrats. However, the party needed unity to govern the state and to be well represented on the national level. The party's ideology seemed contradictory: "the pursuit of equality *and* the defense of slavery."¹⁷²

occasion a Negro accidentally touched the august person of a Hound in passing, and his ears were promptly shorn from his head. A few days later a Mexican's tongue was torn out by the roots because he had replied in kind to an insult hurled at him by one of the thugs." Francis P. Farquhar, ed., *Up and Down California in 1860-1864: The Journal of William H. Brewer, Professor of Agriculture in the Sheffield Scientific School from 1864 to 1903* (Berkeley: University of California Press, 1966), 44.

¹⁶⁹ Asbury, *Barbary Coast*, 79.

¹⁷⁰ Farquhar, *Up and Down California*, 82.

¹⁷¹ Farquhar, *Up and Down California*, 44.

¹⁷² Olin, Jr., *California Politics 1846-1920*, 20.

Democrats from the Southern states did not believe Blacks were created equal. White people therefore had the duty to “protect blacks not only from their own deficiencies but also from exploitation by other, less scrupulous whites.”¹⁷³ This was the ideology of the southern faction of California’s Democratic Party during the 1850s. Even Evan J. Coleman, William Gwin’s son-in-law and the compiler of his papers, noted that Gwin “did not withdraw from the institution of slavery when he moved from Mississippi [to California] but rather continued to own slaves in his native state all during the 1850s when he represented California in the United States Senate.”¹⁷⁴

In 1851 the State of California passed acts denying people of color¹⁷⁵ the right to give testimony before the courts in civil or criminal cases against any White person.¹⁷⁶ This law was an invitation for Whites to beat, rob or murder any member of a minority group without punishment. Only Whites could give evidence in any case involving a White person.¹⁷⁷ African Americans did not accept being denied the right to vote,¹⁷⁸ give

¹⁷³ Olin, Jr., *California Politics 1846-1920*, 19.

¹⁷⁴ Stanley, “Senator William Gwin,” 243.

¹⁷⁵ In the term “people of color” Blacks, Indians, Chinese males AND females are included. While, on the other hand California’s Supreme Court at that time declared that the term “men of color” included Blacks, Indians and Chinese, without gender qualifications.

¹⁷⁶ “An Act Concerning Crimes and Punishment, Passed April 16th, 1850” and “An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in This State, Passed April 29th, 1851,” California State Archives, Sacramento.

¹⁷⁷ Tinkham, *California Men and Events*, 90.

¹⁷⁸ Only “White” males were given suffrage in *California Constitution of 1849*.

testimony, or have access to public education and non-segregated transportation. Under Mexican rule, Indians and people of African descent were accepted as citizens. In the peace treaty with the United States in 1848 these Mexican citizens actually became *citizens* of the United States¹⁷⁹ with full citizenship rights.

African American community leaders were outraged and petitioned to repeal the acts of 1850 and 1851. Since they lacked political power, they needed “White friends” who also saw the injustice in these acts. On 22 March 1852 in the State Assembly, “Mr. Canney¹⁸⁰ presented a petition from free Negroes of San Francisco, praying a change in the law, to authorize them to give testimony against white men.” The following resolution was passed 47:1.¹⁸¹ “*Resolved*, That the House, having heard the petition read, do decline to receive or entertain any petition upon such subject from such source.” This resolution did not stop the African American fight for the right to testify. More and more non-Black people supported their efforts and signed repeal petitions.

The 1854 legislature received from some Quakers living in London, England, an abolition address in pamphlet form. Upset over such “interference,” on 14 April “[o]ne member moved that it be thrown out of the window; another member moved that the

¹⁷⁹ Farquhar, *Up and Down California*, 44.

¹⁸⁰ The correct spelling of his last name is “Canny.” Patrick Canny was an immigrant from Ireland (1880 *United States Census*) and served in the Assembly from 1852 to 1854.

¹⁸¹ Mr. Hinchman voted against the resolution. Augustus F. Hinchman was born in New York in 1824. His father was born in New York and his mother in New Jersey (1880 *United States Census*).

infamous document be thrown aside.”¹⁸² Later that day a resolution was introduced into the legislature to burn the document, but a decision was not agreed on.¹⁸³

During the 1857 session African Americans sent seven petitions to Sacramento demanding repeal of the testimony laws. These petitions, presented by the following county representatives, “Mc Callen, Eldorado county; Goodwin, Yuba county;¹⁸⁴ Johnson, Sacramento county; Crandall, Amador county; Cosby, Siskiyou county,”¹⁸⁵ caused a ruckus in the House. Some delegates moved to pass a law that prohibited Blacks’ right to petition, while James F. Farley presented a bill that asked for the removal of “the disgrace from California.”¹⁸⁶ Neither action was successful.¹⁸⁷

The right to testify was important because African Americans lacked protection of their property, lives, and civil rights given to every citizen in Article I, Section 1 of the state constitution.¹⁸⁸ By the end of the 1850s some politicians began to change their

¹⁸² Tinkham, *California Men and Events*, 90. “Henry A. Crabb, a pro-slavery man, said it should have been received with silent contempt.”

¹⁸³ Tinkham, *California Men and Events*, 90.

¹⁸⁴ Tinkham, *California Men and Events*, 90. Yuba county at one time presented a petition to the legislature signed by over half of the county’s voters, but the prejudice against Blacks was so ingrained that the legislature took no action.

¹⁸⁵ Delilah L. Beasley, *The Negro Trail Blazers of California* (Los Angeles: Times Mirror Printing and Binding House, 1919), 56.

¹⁸⁶ Meaning the complete removal of African Americans from the state.

¹⁸⁷ Tinkham, *California Men and Events*, 90.

¹⁸⁸ “All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring,

attitudes towards African Americans, but not enough to feel comfortable about racial equality.

THE FOUNDING OF CALIFORNIA'S REPUBLICAN PARTY AND THE ESTABLISHMENT OF REPUBLICAN IDEOLOGY

By 1854 the policies of the national Democratic and Whig Parties regarding the expansion of slavery caused many politicians to seek new political affiliations that would express their anti-slavery sentiments.¹⁸⁹ A convention in Pittsburgh, Pennsylvania, on 22 February 1854 created a new national political organ, the Republican Party. Chairmen from the Republican state committees of Ohio, Massachusetts, Pennsylvania, Vermont, and Wisconsin had called for the convention. Former Whigs and Democrats who participated volunteered their services for "a new political organization that was sectional in composition and creed, the Republican Party."¹⁹⁰ Delegates returned to their home states and formed, together with like-minded men, state Republican Parties. The Republican Party did not form for humanitarian reasons, but rather to prevent the

possessing and protecting property; and pursuing and obtaining safety and happiness." *California Constitution of 1849*.

¹⁸⁹ Ray R. Albin, "The Gray Eagle, Colonel Edward Dickinson Baker in California, 1852-1860" (master's thesis, San Jose State University, 1979), 39.

¹⁹⁰ George W. Julian, "The First Republican National Convention," *The American Historical Review* 4, no. 2 (January 1899): 313; Albin, "The Gray Eagle," 39.

expansion of slavery and to keep Southern Democrats from gaining more power on the national level.¹⁹¹ One resolution of the new party read:

1. That we demand and shall attempt to secure the repeal of all laws which allow the introduction of slavery into territory now consecrated to freedom, and will resist by every constitutional means the existence of slavery in any of the territories of the United States. ...¹⁹²

The Republicans appealed to a constituency favoring a “strong central government devoted to business enterprise, the party ideology was especially attractive to large farmers and planters, merchants, traders, bankers, manufacturers, and in later years, industrialists.”¹⁹³ The party favored an intellectual, experienced leadership that was able to establish social order and secure the economic development of the states. Most leading politicians of the newly formed Republican Party owned property, had “the largest stake in society,” and therefore believed they should possess political power.¹⁹⁴

The Republican Party of California was founded in March 1856. The beginning was humble; only thirteen out of forty counties were represented. Of the one hundred twenty-five delegates at the first convention, sixty-five came from San Francisco and Sacramento.¹⁹⁵ Among the first members was Cornelius Cole, a middle-aged New

¹⁹¹ Julian, “The First Republican National Convention,” 321.

¹⁹² Julian, “The First Republican National Convention,” 321.

¹⁹³ Olin, Jr., *California Politics 1846-1920*, 20.

¹⁹⁴ Olin, Jr., *California Politics 1846-1920*, 20.

¹⁹⁵ Albin, “The Gray Eagle,” 41.

Yorker, born and raised in New England, who had studied law under the anti-slavery advocate, William S. Seward.¹⁹⁶ One San Francisco delegate was New Englander Frederick P. Tracy, born in Connecticut in 1806, who had resided in California since 1849.¹⁹⁷ From 1857 to 1859 he served as the city attorney for San Francisco.¹⁹⁸

The dying Whig Party, especially in California, was split over the issue of slavery. Whigs felt that the stability of the Union meant that Southerners should be given no reason to leave the Union.¹⁹⁹ This ideology was also prevalent in the Republican Party. Although Republicans opposed the expansion of slavery into the Western territories and some delegates were abolitionists, full citizenship for people of African descent was not an issue for the Republican Party, at least not during the 1850s.²⁰⁰

RISE OF THE PUBLIC EDUCATION SYSTEM IN CALIFORNIA

Many people, especially from the South, believed that a public school system was only for the poor since the upper classes could pay to educate their offspring. The view

¹⁹⁶ Albin, "The Gray Eagle," 40.

¹⁹⁷ He often spoke from the same platform as E. D. Baker prior to the 1856 campaign.

¹⁹⁸ Albin, "The Gray Eagle," 44.

¹⁹⁹ Anson D. Morse, "Our Two Great Parties: Their Origin and Tasks," *Political Science Quarterly* 7, no. 3 (September 1892): 523.

²⁰⁰ "The fact that resistance to the extension of slavery was the main feature of early Republican policy, accounts for the widely prevalent view that in the beginning the new party was mainly if not purely an anti-slavery organization. ... The truth is that only in a secondary sense was the Republican Party then or later an anti-slavery organization." Morse, "Our Two Great Parties," 524.

of Southern Democrats – even Blacks – was stated in the *Sacramento Daily Union* in 1863:

The negro aristocracy of the South were never particularly favorable to free schools. They could afford to pay tutors for their children or to send their sons to New England colleges. But the education of the common people was not compatible with the maintenance of the social and political ascendancy of a caste.²⁰¹

Knowledge is the enemy of ignorance. To educate the masses in the South was not in the best interest of the aristocracy. To keep their power Southern aristocrats needed to keep the knowledge of ordinary people at a low level.

However, to counter the Democratic argument that the public school was a charity school Arthur B. Stout wrote an essay on *Public Education in California*, in which he stated the Republican view on education:

It is freely admitted that the safety of republican institutions depends upon a highly cultivated and universally extended public education. It is also generally admitted that the free-school system of education is no charity to the poor, but a public duty of self-interest and national preservation again, it is clear that to procure that education by incurring a debt is not giving but leading it, with the obligation of the recipients to pay for it themselves when the capital or bonds should become due.²⁰²

In California the clash of old world principles about education was visible. But despite their different views on education, the members of the legislature could agree on one thing: a good education system was important for California, because of the wealth

²⁰¹ *Sacramento Daily Union*, 21 June 1863.

²⁰² Arthur B. Stout, *An Essay on Public Education in California* (San Francisco: Agnew and Deffebach, 1866), 10.

and riches created in the state.²⁰³ To educate every child meant that they all had the same opportunities to create riches for themselves in the future. That should have included African Americans, Chinese, and the Native children as well. However, since early school laws contained the exclusive word “White,” all other children were not to benefit. Therefore, by the 1850s, a caste system was also established in school laws.

The California Constitution of 1849 explicitly described the administration of the school system.²⁰⁴ The term of a state superintendent of public instruction was set as three years; the legislature had the duty to “provide for a system of common schools by which a school should be kept up in each school district at least three months in every year,” to use proceeds of the sale of school lands to support common schools, and to protect any land grants for a state university.²⁰⁵

It took six more years until school laws were passed that established public schools supported by tax monies. One hindrance was that governors and lieutenant governors during the 1850s had little interest in education, nor did the legislature. Ironically, each house of the legislature had a Committee on Education in which education bills were hotly discussed. After no state consensus on how to finance public education could be reached, San Francisco started its own city schools and drew up its own school laws in 1851.

²⁰³ Goodwin, *Establishment of State Government in California*, 202.

²⁰⁴ Article IX, Section 1 to 4. *California Constitution of 1849*.

²⁰⁵ Goodwin, *Establishment of State Government in California*, 193-94.

San Francisco Goes Its Own Way

During the early California years the entire school administration and the Board of Education of San Francisco were in the hands of men from New England. These men were determined to recreate in San Francisco "what they had considered the best of civilization in the settled societies they had left."²⁰⁶ That included a quality public school system.

San Francisco newspapers' editorials called for a free school system. *The Pacific*,²⁰⁷ published by Reverends S. H. Willey of Massachusetts and J. E. Benton of Pennsylvania, took this stance on education:

We want schools which shall be as free to all classes of the community as the air we breathe. We want American schools which shall train the rising generation for the duties and the responsibilities of American citizens. ... With mineral, commercial and agricultural resources unequaled in any other portion of the known world, and with a population exactly fitted by its superior intelligence, indomitable energy and enterprise for the full development of all these resources, the State is destined ere long to occupy a position of most commanding influence and importance.²⁰⁸

San Francisco's city council created a committee to discuss establishing a public school system. In June of 1850 Colonel Thomas J. Nevins of New Hampshire established a school. Colonel Nevins, a successful lawyer and experienced in school

²⁰⁶ Luckingham, "Religion in Early San Francisco," 64.

²⁰⁷ This San Francisco publication was "devoted to religion, education, and general intelligence." Ferrier, *Ninety Years of Education in California*, 54.

²⁰⁸ Ferrier, *Ninety Years of Education in California*, 54.

affairs, had established public schools in New York before coming to California.²⁰⁹

Nevins, the “Father of the San Francisco system,” wrote the Ordinance *For the Establishment, Regulation, and Support of Free Common Schools in and for the City of San Francisco* in 1851.²¹⁰ Ordinance 189, adopted in September of 1851, provided for a city board of education with five members,²¹¹ a city school superintendent, and \$35,000 for the support of schools.²¹² Under this ordinance San Francisco’s schools acted until 1855.

The city was divided into seven school districts; in each district a school was to be established in which all children between the ages of four and eighteen were to be educated free of charge.²¹³ On 8 October 1851 the city elected its first school board of

²⁰⁹ Ferrier, *Ninety Years of Education in California*, 41.

²¹⁰ Swett, *American Public School*, 103; also see Lee Stephen Dolson, Jr., “The Administration of the San Francisco Public Schools, 1847 to 1947” (Ph.D. diss., University of California, 1964), 33.

²¹¹ “Among the most earnest and able advocates of this ordinance was George Endicott, a lineal descendant of John Endicott, the first Governor of the Massachusetts Bay Colony, which, in its earliest years, had set aside a considerable part of its funds for common school purpose – at the same time when the Governor of Virginia thanked God that there were no common schools in that colony, and expressed the hope that there would not be any for at least a hundred years.” Ferrier, *Ninety Years of Education in California*, 56.

²¹² Swett, *American Public Schools*, 104.

²¹³ Frank Soulé stated that “[t]he ordinance provide[d] for the erection and establishment of a free school in each district, making these schools public and free to all children and youths between the ages of four and eighteen years. ...” Dorothy H. Huggins, *The Annals of San Francisco by Frank Soulé, John H. Gihon, M.D., and James Nisbet Together with the Continuation, through 1855* (Palo Alto: Lewis Osborne, 1966), 681; also see Byington and Lewis, *History of San Francisco*, 244;

education with Hon. C. J. Brenham, C. L. Ross, J. F. Atwell, General John Wilson, and Henry E. Lincoln as members.²¹⁴

During the period of 1851-53 all of San Francisco's school principals and between 1851 and 1854 the entire school board²¹⁵ were from Northeastern states. James Denman, the city's first school superintendent, was a graduate of the Albany, New York, State Normal School; Ellis H. Homes and Ahira Holmes were from the Bridgewater, Massachusetts, State Normal School; and William Russell from Merrimack, New Hampshire, Private Normal School.²¹⁶ During these formative years the teachers, board members, and school principals had time to establish a school system based on those of New England.

With almost three thousand students in 1852, one school in each district was not enough to accommodate all. The first schools were opened in "small, rude, and cheap, and roughly fitted" rented buildings. Many were no more than shanties, half buried in

²¹⁴ Ferrier mentioned C.L. Ross, from New Jersey and Mr. Atwell of Boston and their interest in school affairs. He considered them motivated positively in contrast to the others who served on the board only for their own benefit. Ferrier, *Ninety Years of Education in California*, 56-57; also see Huggins, *Annals of San Francisco*, 682.

²¹⁵ "The Mayor, S. P. Webb, who was chairman of the school board ex officio, had been Mayor in earlier years of Salem, Massachusetts. Frederick Billings, a member of one of the leading law firms, who had a part in 1849 in the first movement for a college in California, was from Vermont. William Sherman, a business man of great executive ability, had been a teacher in Rhode Island. In 1856, he was to take the lead in establishing in California the first high school. J. B. Moore, a lawyer, was a native of Concord, New Hampshire, and W. H. O'Grady hailed from Vermont." Ferrier, *Ninety Years of Education in California*, 63.

²¹⁶ Swett, *American Public Schools*, 104.

sand banks. School appropriations were woefully inadequate.²¹⁷ Money was needed to construct better school buildings. Despite limited school accommodations and material, the enrollment of students between 1851 and 1856 went from four hundred to nearly eight thousand. Included in this number were 1,421 students in private or parochial schools.²¹⁸

1853 saw the arrival in San Francisco of a man who ten years later would be called "The Horace Mann of the Pacific" – John Swett. At the end of 1853 City Superintendent Nevins resigned and William H. O'Grady from Vermont, principal of the Rincon School, took over his job, leaving the Rincon School without a principal. John Swett came originally to San Francisco because of failing health. Swett started as a miner, but his true calling, education, meant that he would not remain long in the gold fields. In November of 1854 he began teaching in San Francisco as the principal of the Rincon School.²¹⁹

An obstacle to establishing a New England style public school system in San Francisco was the corrupt political environment of the city. "The political elements were unstable,²²⁰ and the tenure of teachers was uncertain." But in 1856 the Vigilance

²¹⁷ Three cents on a dollar ... "These legislators evidently considered the common schools to be 'charity schools' for the education of the children of the poor." John Swett, "John Swett Papers, 1853-1913," Bancroft Library, University of California, Berkeley.

²¹⁸ John Swett, *American Public Schools*, 105.

²¹⁹ Roy W. Cloud, *Education in California*, 31.

²²⁰ Swett stated that the three years time period from 1853 to 1856 was a hard time for public schools in San Francisco. "The city government fell into the hands of

Committee²²¹ brought rigorous order back into the city. This had a positive influence on the city's public school system, because within the next decade school administration prospered.²²²

By the end of 1856 thousands of children attended schools in San Francisco based on the New England school system. Reverend Horace Bushnell said in 1856 "[the schools in San Francisco] are not inferior to those in our eastern cities."²²³ Using the New York and Boston school systems as models, within six years a public school system emerged first in San Francisco, and then in Sacramento and in other counties of the state.²²⁴

Sacramento

By early 1854, the citizens of Sacramento, with support from the newspapers, had demanded a public school. The opening of the first school in Sacramento was announced in February of that year: "The citizens of Sacramento are hereby notified that the School

unscrupulous politicians, who retained their power by stuffing the ballot boxes. The school appropriations were parsimonious." John Swett, *Monographs on Education in California* (San Francisco: Department of Education, California Louisiana Purchase Exposition Commission, 1904), 7.

²²¹ Swett said that "the city government had become so corrupt that the better class of citizens rose in rebellion, organized the 'Vigilance Committee,' hanged a few murderers, banished from the State several score of criminals of various kinds, and regained possession of the ballot boxes. Under a new municipal government by honest and capable officials, the public schools multiplied and grew strong." Swett, *Monographs on Education in California*, 7.

²²² Swett, *American Public Schools*, 105.

²²³ Luckingham, "Religion in Early San Francisco," 64.

²²⁴ Lotchin, *San Francisco 1846-1856*, 312.

Commissioners for this city will open a public school.”²²⁵ Fifty boys and girls attended the first day and by the fourth day ninety students came through the school door. In a very short time over two hundred were enrolled in this one public school.²²⁶

State Schools Laws, Superintendents, and Schools

At the first session of the new California legislature of 1849-50 no school laws could be agreed on. The Committee on Education reported that the amount of taxes that people in the state had to pay for “state, county, and municipal purposes” was already too high; therefore, the committee did not see it possible to introduce a bill that would put an even heavier burden on the people only to establish a public school.²²⁷ The Constitution of 1849 provided that the five hundred thousand acres of public lands given to the state by the U.S. government for the purpose of funding public education could be leased or sold to establish a school fund. However, little school land was sold during the 1850s since many politicians feared that the land might be above a gold mine. Perhaps they did not want to waste “gold” money on public education.²²⁸

The second session of the state legislature, 1850-51, finally agreed on establishment and taxation for public schools and passed the School Law of 1851. It provided for the

²²⁵ Ferrier, *Ninety Years of Education in California*, 77.

²²⁶ Ferrier, *Ninety Years of Education in California*, 77.

²²⁷ Swett, *American Public Schools*, 102.

²²⁸ Cloud, *Education in California*, 21.

subdivision of counties into school districts; for a district school committee of three, elected annually by direct vote of the people; gave the school committees power to build schoolhouses, to examine and appoint teachers, and to report to the state superintendent.²²⁹

David C. Broderick of San Francisco was an active supporter of the bill. He had been educated in New York's public school system.²³⁰ That the School Laws of 1851 were passed can be credited to Frank Soulé, a representative from San Francisco, elected on a Whig ticket (anti-slavery). Soulé, as chairman of the Senate Education Committee, presented and supported the school bill before the legislature.²³¹ These school laws were not satisfactory, but they were a beginning.²³²

The first State Superintendent of Public Instruction was frustrated with the low appropriations for the schools. John Gage Marvin, originally from Pennsylvania, came from Boston to San Francisco.²³³ He wrote in his report of January 1852, "no provision

²²⁹ Swett, *American Public Schools*, 102.

²³⁰ Swett, *American Public Schools*, 102.

²³¹ John Aubrey Douglass, *The California Idea and American Higher Education: 1850 to the 1960 Master Plan* (Stanford: Stanford University Press, 2000), 31.

²³² The School Laws of 1851 "created a State Board of Education and authorized the sale of federal land at \$2 acre for the benefit of the common schools." With the proceeds a school fund was established from which teachers' salaries were paid. However, the sale of land was slow and the school fund was not able to pick up the teachers' salaries. California was still operating rate bill schools instead of free schools. Douglass, *California Idea and American Higher Education*, 31.

²³³ Rockwell D. Hunt, *California Firsts* (San Francisco: Fearon Publishers, 1957), 142.

for common schools or a state university were made yet.”²³⁴ Therefore, he proposed an increase in school taxes from three to five cents on each one hundred dollars valuation, the creation of county superintendents of schools, the creation of school libraries, and the sale of land to establish a school fund.²³⁵ During the 1852 legislative session, after lengthy discussions, the State School Law of 1851 was amended “by making county assessors ex officio school superintendents; and by authorizing counties to levy a school tax not to exceed three cents on a hundred dollars.”²³⁶ No discussions on the sale of school lands were reported. In January 1852 an editorial in *The Pacific* stated:

We have been pained of late to hear that a man of some standing and influence has denied the obligation of the State to provide schools for all, and has treated the whole matter with a very flippant sneer. He was from a State, which has no well-ordered Common School system, and therefore ignorance of the advantages of such a provision for the rising generation may mitigate his fault. ...²³⁷

California was already a populous state with increasing economic development, so reasonable taxation for public schools could have been considered. The new school

²³⁴ Douglass, *The California Idea and American Higher Education*, 30.

²³⁵ Cloud, *Education in California*, 24.

²³⁶ Swett, *American Public Schools*, 102.

²³⁷ Quoted in Ferrier, *Ninety Years of Education in California*, 74.

law no longer provided a pro rata share²³⁸ of the public school moneys to support parochial schools. Bitter fights in the state legislature ensued for the next ten years.²³⁹

Delegates to party state conventions also discussed the public school issue since it appeared to be a problem that would not go away. The Democratic State Convention on 21 June 1853 in Benicia, passed the following resolution:

5. That the increasing permanent population of our state demands a more complete organization of our common school system, under such enactments as will best preserve the property of the state set apart by the constitution for this purpose, and apply the proceeds exclusively to such a system of education for the children of the state as will make them intelligent and independent citizens.²⁴⁰

During the fifth session of the legislature (1853-54) a new State Superintendent of Public Instruction, Colonel Paul Kinsey Hubbs, originally from New Jersey, was elected by the Democratic Party. He received little education while growing up and became a self-taught lawyer. When he took office, he immediately began to consider increased sale of school lands to establish a larger school fund.²⁴¹

Realizing that many people in the state opposed parochial schools receiving public appropriations, Hubbs began to work on amending the School Law of 1852 with

²³⁸ A fixed proportion.

²³⁹ Swett, *American Public Schools*, 102.

²⁴⁰ Winfield J. Davis, *History of Political Conventions in California, 1849-1892* (Sacramento: Publications of the California State Library, 1893), 25.

²⁴¹ Cloud, *Education in California*, 26.

the Hon. D. R. Ashley²⁴² of Santa Cruz and Monterey counties. During the 1853-54 session of the legislature, Ashley introduced a new school bill;²⁴³ but since it contained a section that prohibited pro rata appropriation to parochial schools, "it was buried in the rubbish of unfinished business."²⁴⁴ The School Laws of 1853 changed only in one aspect: they finally provided for the sale of school lands, but only a small amount of acreage.²⁴⁵

The Whig Convention in Sacramento on 25 July 1854 passed a resolution that stated,

[w]e desire the adoption and perfection of the best system of common school education and to yield aid in all possible ways to learning and science. We demand a purification of the judgment seat, and a revision of the statutes. (resolved)²⁴⁶

Shortly after the convention a school bill was enacted that provided that "15 percent of all moneys collected for the poll tax should be placed in the School Fund and used for the expenses of public education."²⁴⁷ This action was a major step toward the establishment

²⁴² See Appendix E.

²⁴³ Common councils of incorporated cities could have raised the school tax to twenty-five cents for each one hundred dollars valuation of the district. Swett, "John Swett Papers, 1853-1913"; see also Cloud, *Education in California*, 27.

²⁴⁴ Swett, *American Public Schools*, 105-06.

²⁴⁵ Cloud, *Education in California*, 26.

²⁴⁶ Davis, *History of Political Conventions*, 34.

²⁴⁷ Swett, *American Public Schools*, 105-06.

of a school fund large enough to support the free public school system, and is evidence of changes in the attitudes of the public and some politicians towards education.

This was not enough for Hubbs. In early 1855 the State Superintendent of Public Instruction was again upset over the slow movement concerning education. He wrote to the legislature that three-fourths of California's children were without education. About politicians that objected to public funding for schools he said:

it is purely ridiculous and mean in the individual to say 'I will not pay for the education of the children of others.' You pay for roads over which you never travel and you pay for prisons which you never inhabit.²⁴⁸

One can understand Hubbs's frustration, especially since the California government during the 1850s spent twice as much on the prison system than on school education. Nevertheless, Hubbs was able to influence a number of the Democrats, since in the next legislature the first school laws were passed to support a statewide public school system.

During the 1854-55 session, D. R. Ashley introduced his rejected 1853 school bill again; this time it became a law on 3 May 1855. This bill provided that no school be supported by public monies that was not taught by a legally examined and certified teacher and that no sectarian material could be taught in any of the publicly supported schools.²⁴⁹ Moreover, "that upon the petition of fifty heads of families a school or schools could be established, provided that no sectarian doctrines should be taught

²⁴⁸ Quoted in Douglass, *The California Idea and American Higher Education*, 32.

²⁴⁹ Swett, *American Public Schools*, 106.

therein and that such schools should be under the same supervision as other schools.”²⁵⁰

Up to this point not once was the word “White” mentioned in any of the school laws, so the few African American children in San Francisco and Sacramento were not denied public education. Neither the California Constitution of 1849 nor the state school laws had excluded children of African descent from the public school system. However, beginning in 1858, school money was appropriated to schools only on the number of “White” students reported in the yearly school census. The word “White” in the school laws made clear for whom in the state the tax monies were intended, and thus for whom the schools were established. These school laws overlooked that African Americans were also citizens of this state who paid taxes the same as “White” Californians did.

With the election of 1856 a new State Superintendent changed California’s public school system. A Southerner and “a fine type of Southern gentleman” redirected the path that New England educational pioneers for the development of a school system had laid out. Andrew Jackson Moulder became State Superintendent of Public Instruction.²⁵¹

Andrew Jackson Moulder

Andrew J. Moulder, a graduate of the University of Virginia, was elected for two terms. Prior to 1862, Moulder spoke in the right tone to the Southern Democrats in the legislature and the small, but rising number of Republicans was not able to counter his school legislation. He got the legislature to pass several amendments to the state school

²⁵⁰ Cloud, *Education in California*, 27.

²⁵¹ Cloud, *Education in California*, 37.

law. For “White” public schools and students, Moulder showed tremendous concern. Although, in the view of many, Moulder was no friend of African Americans;²⁵² it was under his regime that the first tax-supported “colored schools” were established.

Moulder can be credited for awakening the public to the need to support public schools. During his time in office the number of schools increased from fifty-two to three hundred sixty-seven, the number of teachers from fifty to four hundred eighty-six, and the number of school children from 11,242 to 35,722. Moulder also created the State Teacher’s Institute. However, financial support from the legislature decreased from \$53,511.11 to \$28,342.16.²⁵³

During the legislature of 1857-58 no school laws worth mentioning were passed. At the end of 1858, in his *Report of Public Schools*, Moulder declared: “Damning as the record is, it is yet lamentably true, that during the last five years the State of California has paid ... \$1,885 on every criminal, and \$9 on every child,” and he proposed to amend the school laws:²⁵⁴

(1) [T]hat a school, to be entitled to apportionment, should be required to maintain school six months instead of three months; (2) that the authority to examine teachers should be transferred from trustees to a county board; (3) that the maximum tax should be raised to 20 cents on the \$100 valuation; ... (6) that Negroes, Mongolians, and Indians should not be allowed to attend schools

²⁵² Swett, *American Public Schools*, 106.

²⁵³ Cloud, *Education in California*, 37.

²⁵⁴ Cloud, *Education in California*, 38.

for white children, under penalty of the forfeiture of public school money by districts admitting such children into school; ...²⁵⁵

Under Moulder the offspring of minorities for the first time were explicitly excluded from publicly funded education. What brought this about? In 1858 some schools boards admitted African American pupils into the public schools. Usually the number of African American students was so small that they were hardly "visible" among the non-Black students. But some opponents to this practice complained: "[N]egroes were taught and classed upon terms of equality."²⁵⁶ The school superintendent of one district admitted that African American pupils were "classed upon terms of equality with white children" in three schools. This situation served to bring out Moulder's racist opinions. "If this attempt to force African, Chinese, and Diggers into our white schools is persisted in, it must result in the ruin of our schools."²⁵⁷ He was upset that Black and non-Black children attended schools together. He lamented to the legislature and wrote the following in his school report:

Had it been intended by the framers of the law that the children of the inferior races should be educated side by side with the whites, it is manifest the census would have included children of all colors.²⁵⁸

²⁵⁵ Cloud, *Education in California*, 38.

²⁵⁶ Nicholas C. Polos, "Segregation and John Swett," *Southern California Quarterly* 46, no. 1 (March 1964): 71.

²⁵⁷ Dolson, Jr., "Administration of the San Francisco Public Schools," 52.

²⁵⁸ James Edward Myers, "The Educational Work of Andrew Jackson Moulder in the Development of Public Education in California, 1850-1895" (Ph.D. diss., University of California, 1961), 52.

The Board of Education, headed by Moulder, quickly passed a rule: "No colored children would be admitted to any public school except a school for colored children."²⁵⁹

However, Moulder had to make sure that his decision was backed up by the legislature.

In his report of 1859 he stated:

[I]t is not desirable that such children [Africans, Chinese, and Diggers] be brought up in ignorance and heathenism. Any district may establish a separate school for the benefit of the inferior races and apply a certain portion of the public funds to its support, provided that citizens do not object, which it is presumed they will not do, unless for cogent reasons.²⁶⁰

Moulder would not be satisfied until he saw the school laws amended, so in 1859 he proposed the following:

... [by] the power be conferred upon him [the superintendent] to withhold the public moneys from any district that permits the admission of the children of the inferior races—African, Mongolian, or Indian—into the Common Schools.²⁶¹

The legislature did not reach a decision on his recommendations in 1859.

The early 1860s were difficult both for the nation and for California. Because of its numerous Southern sympathizers, the state was again divided into two factions over the issue of slavery. Moulder in 1859 was re-elected State School Superintendent. His recommendations for amended School Laws of 1860 were printed in the School Report of 1859. He recommended the establishment of a State Normal School, an increase of

²⁵⁹ David F. Selvin, *The Other San Francisco* (New York: The Seabury Press, 1969), 77.

²⁶⁰ Cloud, *Education in California*, 44.

²⁶¹ Myers, "Educational Work of Andrew Jackson Moulder," 52.

the county tax to twenty-five cents on the hundred, and travel money for the Superintendent of Public Schools to visit all public schools in the state.²⁶² His most damaging recommendation was to withhold public funds from schools that would admit non-White students. The School Laws of 1859 were amended based on Moulder's recommendations and enacted as the School Law of 1860.

Thereafter, Moulder publicly acknowledged racist beliefs by stating:

[t]he State Superintendent disclaims any prejudice against a respectable Negro—in his place; but that place is not, in his opinion, an association, on terms of equality, with the white race.²⁶³

While the nation was involved in the Civil War, Moulder created during his last year in office a State Normal School to train future teachers. According to Cloud, Moulder “was a Southerner and a trained soldier, but not one could question his loyalty to his country and to his adopted state, nor to the boys and girls of California whom he served so faithfully.”²⁶⁴ However, to many others, Moulder was selective in the choice of the children he served. He certainly did not faithfully serve boys and girls that were anything but “White.”²⁶⁵

²⁶² Cloud, *Education in California*, 38.

²⁶³ Myers, “Educational Work of Andrew Jackson Moulder,” 52.

²⁶⁴ Cloud, *Education in California*, 39.

²⁶⁵ John Swett, *History of the Public School System of California* (San Francisco: A. L. Bancroft and Company, 1876), 14.

IV. AFRICAN AMERICAN COMMUNITY ACTIVISM FOR EDUCATION AND ADMITTANCE INTO THE PUBLIC SCHOOLS IN THE 1850S

In 1850 only ninety African American females were counted in a total population of 962 Blacks in California. By 1860 the number had increased to 1,259 females, and forty-six percent of these women lived in San Francisco, Sacramento, and Marysville. The African American communities throughout the 1850s were small; however, their members came, as did the Anglo-Americans, primarily from the Eastern and Northeastern states. Their members were:

...fighters against adverse legislation, giving their time and money, rarely ever calling on the few colored people living in the southern part of the State for assistance. The colored people living in the northern part of the State and around San Francisco remind one much of persons living around Boston and other New England towns. ...²⁶⁶

In 1854 the Atheneum Institute²⁶⁷ reported the occupations of African Americans of San Francisco as:

²⁶⁶ Beasley, *Negro Trail Blazers*, 146.

²⁶⁷ "In December 1849 thirty-seven black San Francisco men, mostly ex-New Englanders, formed the West's first black self-help organization, the Mutual Benefit and Relief Society, to assist newcomers and encourage other African Americans to emigrate to California. This society was succeeded four years later by the San Francisco Atheneum, a two-story men's club housing a first floor saloon for social gatherings, but whose second story, called the Atheneum Institute, soon became a center of black intellectual life. Former New Englanders, New Yorkers, and Pennsylvanians organized the institute, electing Jacob Francis, a Rochester, New York, native and an associate of Frederick Douglass, as its first president. Within a year the institute had eighty-five dues-paying members who raised two thousand dollars to support an eight-hundred-book library." Quintard Taylor, ed., *In Search of the Racial Frontier: African Americans in the American West, 1528-1990* (New York: W.W. Norton & Company, 1998), 88.

two black-owned joint stock companies with a combined capital of \$16,000, four boot and shoe stores, four clothing stores, eight delivery wagons, two furniture stores, twelve saloons, two billiard salons, two restaurants, sixteen barbershops, two bathhouses, one library, and one brass band, among other things.²⁶⁸

Some African Americans organized Black mining companies²⁶⁹ in the gold region.²⁷⁰ But they also occupied other professions: there were "100 mechanics, 100 porters in banking and commercial houses, 150 stewards, 300 waiters, and 200 cooks."²⁷¹ Many of these African American immigrants came from New York or Massachusetts and included well-educated leaders of the community, such as teachers, newspapermen, or politicians; some were abolitionists. Many also worked in the service industry or in domestic settings. Whites in the North usually defended segregation and the economic degradation of African Americans because of "his inability to rise above the menial employments."²⁷² This was obviously not true for African Americans living in San Francisco, since many were successful businessmen. Therefore, rising White segregationists must have had other reasons in this state. As De Tocqueville observed:

²⁶⁸ Yount, *Frontier of Freedom*, 46; also see Taylor, *Search of the Racial Frontier*, 87.

²⁶⁹ Sweet Vengeance Mine and Rare Ripe Gold and Silver Mining Company located in Brown's Valley in Yerba County. Kenneth G. Goode, *California's Black Pioneers: A Brief Historical Survey* (Santa Barbara: McNally & Loftin, 1974), 72.

²⁷⁰ Hon. Thomas H. Kuchel, "California Negro History," in *Proceedings and Debates of the 90th Congress, Second Session* (Congressional Record, 1-15, 1968), 7.

²⁷¹ Taylor, *Search of the Racial Frontier*, 87.

²⁷² Litwack, *North of Slavery*, 102.

“[r]ace prejudice seems stronger in those states that have abolished slavery than in those where it still exists, and nowhere is it more intolerant than in those states where slavery was never known.”²⁷³

The Black community in California was surprisingly wealthy in the second half of the nineteenth century. At the 1855 Convention of the Colored Citizens of the State of California, it was stated that 4,815 African Americans in California owned \$2,413,000 in real estate and personal property, making them America’s wealthiest Black community.²⁷⁴ This accumulation of wealth led to a demand for equal rights. Because African Americans had property to protect, they had an interest in politics, as well as in education.

The Black community of Sacramento was less wealthy and only about one third of the size of San Francisco’s. The residents were mostly male adults, born in the Southern states. However, the only Black engineer and the only two African American doctors in the West lived in Sacramento.²⁷⁵

Few children lived in either of these communities during the early gold rush years.²⁷⁶ De Graaf stated that African American women in the West had “a strikingly

²⁷³ Mayer, *Alexis De Tocqueville*, 343.

²⁷⁴ Yount, *Frontier of Freedom*, 47.

²⁷⁵ Taylor, *Search of the Racial Frontier*, 89.

²⁷⁶ Daniels, *Pioneer Urbanites*, 19.

lower childbearing rate than those elsewhere, particularly in the South.”²⁷⁷ That might help to explain the small number of children; but more important, as the evidence of the *Underground Railroad to Freedom Project* shows, not many African American families with children migrated to California.²⁷⁸ Most immigrants were single male adults. The median age of Black women in the West also was higher than anywhere else. “In the frontier stage of settlement, and in many urban areas, women between the mid-twenties and forties comprised the largest age groups, thus placing many of them beyond the prime age for childbearing.”²⁷⁹ Therefore, by 1854 only a small number of Black children resided in the state and, because of lack of public assistance, schools were opened for these children by the African American community itself.

San Francisco offered African Americans less confining living conditions than did other areas of the state. The large number of residents from New England states and the small number of African Americans in comparison to the growing number of Chinese immigrants might have been the reason. According to Lapp, ministers preached openly to mixed congregations and women washed their laundry side by side. “Women of every clime and color are kneeling down along the bank engaged in the pious work of

²⁷⁷ Lawrence B. De Graaf, “Race, Sex, and Region: Black Women in the American West, 1850-1920,” *Pacific Historical Review* 49 (1980): 288.

²⁷⁸ Washington, “The Underground Railroad to Freedom Project.”

²⁷⁹ Lawrence B. De Graaf, “Race, Sex, and Region,” 287-89.

washing.”²⁸⁰ State Superintendent Moulder was upset about the liberal New England board of education in San Francisco. For him “the Negrophilist school of mock philanthropists” had found its way into California.²⁸¹

California’s African Americans and other minority groups lived under prejudiced governance. Politicians were openly hostile and African Americans saw the need for political organization to confront racist restrictions.²⁸² Therefore, at the end of 1855 members of the San Francisco Black community called for a Colored Convention to organize for the repeal of racist restrictions. Most of the delegates were experienced participants of National Colored Conventions, abolitionists, or leaders in the Underground Railroad; all came from the Northeastern states. William H. Yates²⁸³ of San Francisco was elected chairman. Other members of the convention, who later took over important leadership roles for the Black communities, were: J. B. Sanderson, J. H.

²⁸⁰ Rudolph M. Lapp, “The Negro in Gold Rush California,” *Journal of Negro History* 49, no. 2 (April 1964): 89.

²⁸¹ Hendrick, *Education of Non-Whites*, 8.

²⁸² Hendrick, *Education of Non-Whites*, 7.

²⁸³ Yates was born a slave in Washington, D.C., bought his freedom and later managed Washington’s First Negro Literary and Debating Society. He had learned leadership and political organization while working in benevolent and reform societies serving the Black community. From 1837 to 1842 he worked as a porter of the U.S. Supreme Court, where he learned much about political proceedings. He was a participant in the Underground Railroad. In 1851 he came with his family to San Francisco. Washington, “The Underground Railroad to Freedom Project.”

Townsend, M. W. Gibbs, W. H. Newby, D. W. Ruggles, F. G. Barbadoes, D. P. Stokes, J. J. Moore, and Peter Anderson.²⁸⁴ According to De Graaf:

the origin of California's black population partly explain[s] the roots of these conventions and the willingness to fight for denied rights. ... Freeborn blacks from northern states such as Massachusetts and Ohio rubbed shoulders with slaves from Georgia and Texas. That mix, particularly with its leadership drawn disproportionately from New England abolitionist circles, produced a community willing and able to protect its interests.²⁸⁵

As discussed earlier, the members of the first and all the following conventions had their training grounds in the National Negro Conventions in the East that were held during the 1830s and 1840s. They all had been involved in petition drives calling on Congress to abolish slavery; they were experienced politicians. They stayed in contact with the national movement by subscribing to the *Frederick Douglass' Weekly*, and

²⁸⁴ D. W. Ruggles, abolitionist, born in Connecticut, educated in local Connecticut schools, lived in New York. He came in the early 1850s from Northampton, Mass., to California. J. B. Sanderson, born in New Bedford, Mass., educated, abolitionist, came in 1854 to San Francisco. J. J. Moore, educator, came from Boston, Mass. F. G. Barbadoes, came from Boston, Mass., where he was active in the affairs of the Black community. J. H. Townsend came in 1849 to California. In New York he had published a journal. Peter Anderson came between 1853 and 1855. A native of Philadelphia, he was active there in the Masonic Order from 1837-1853. M.W. Gibbs, a free man from Philadelphia, left New York in 1850 for California. In the East, he worked as an associate of Frederick Douglass and other Eastern vigilantes in the Underground Railroad, and as an abolitionist. W. H. Newby, born in Virginia to a free woman, grew up in Philadelphia, attended public schools. He came in 1851 to California where he continued his fight for free and enslaved Blacks. Reverend D. P. Stokes came in 1849 from Baltimore to establish an African Methodist Church in Sacramento. Washington, "The Underground Railroad to Freedom Project"; also see Sue Bailey Thurman, *Pioneers of Negro Origin in California* (San Francisco: R and E Research Associates, 1971), 50.

²⁸⁵ Lawrence B. De Graaf, Kevin Mulroy, and Quintard Taylor, eds., *Seeking El Dorado: African Americans in California* (Seattle: University of Washington Press, 2001), 10.

several contributed articles to this and other abolitionist newspapers and journals, including the *National Anti-Slavery Standard* and the *Pennsylvania Freeman*.²⁸⁶

The dominating issue of the California conventions in the 1850s was repeal of the acts that restricted African American testimony against any White person in civil and criminal court cases. Resolutions were passed declaring that African Americans had earned the same privileges and civil rights as the White population.²⁸⁷ Written by J. H. Townsend, an address to the People of California²⁸⁸ called on all Californians to help African Americans gain their civil rights.²⁸⁹

At the conventions in 1855 and 1856 the delegates did not emphasize the issue of education for their children. However, because of the growing number of African American children without proper education, an Education Committee was founded during the convention of 1857. This committee worked intensively over the next two decades to secure equal opportunities for African American students in integrated public schools.²⁹⁰

²⁸⁶ Taylor, *Search of the Racial Frontier*, 91.

²⁸⁷ Colored Citizens of the State of California, "Proceedings of the State Convention of the Colored Citizens of the State of California, 1855, 1856, 1865" (Bancroft Library, University of California, Berkeley).

²⁸⁸ Appendix A.

²⁸⁹ Kuchel, "California Negro History," 9.

²⁹⁰ Office of Historic Preservation, *Five Views: An Ethnic Historic Site Survey for California* (Sacramento: California Department of Parks and Recreation, 1988), 62.

Between 1852 and 1856 the Baptist Church, the African Methodist Episcopal Church, and the African Methodist Episcopal Zion Church grew in importance throughout California.²⁹¹ As in the New England states, where the church in the beginning of the nineteenth century had taken over the education of children, so did the Black church in this state. By the early 1850s a number of well-educated Black ministers resided in the state. These pioneers established African American churches in California and the first schools for the children of their community. The ministers and their congregations worked tirelessly, not only to provide educational opportunities, but also to gain civil rights.²⁹²

ESTABLISHMENT OF THE FIRST "COLORED SCHOOLS"

The school laws of 1851 and 1852 provided for the appropriation of a school fund for the several towns, cities, and villages "in proportion to the number of children residing therein between the ages of five and eighteen years."²⁹³ These laws did not mention the students' ethnicities. The only established schools in this early period existed in San Francisco. It is possible, because of the integrated residence pattern of the city and because many residents came from the New England states, that the few African American children in the city at that time were admitted into the few public schools.

²⁹¹ Goode, *California's Black Pioneers*, 74.

²⁹² Lapp, "The Negro in Gold Rush California," 90.

²⁹³ Ferrier, *Ninety Years of Education in California*, 97-98.

But by 1854, children of African descent were banned from public schools. That the city's government was in the hands of highly corrupt and racist Southern Democrats might be the reason African American children were denied educational opportunities. Even though the city's board of education and the teachers were entirely in the hands of New Englanders, they had to comply with orders from higher authorities, especially after "proper" school laws were passed.

African Americans understood that without education, social, political, and economic improvement is difficult, if not impossible, to accomplish. Since petitions to the Board of Education in San Francisco and to the Common Council in Sacramento did not open up the public schools for their children, African American women and ministers took the lead and opened their own schools, which over time came to be known as "colored schools."²⁹⁴

San Francisco

On 22 May 1854 a school for African American students opened in San Francisco. Located in the basement of the St. Cyprian African Methodist Episcopal Church (A.M.E.) at the corner of Jackson and Virginia streets, the school was taught by Reverend J. J. Moore²⁹⁵ from Boston. On the day the school opened twenty-three

²⁹⁴ Sherman W. Savage, *Blacks in the West* (Westport: Greenwood Press, 1976), 168.

²⁹⁵ J. J. Moore was the organizer of the first African Methodist Episcopal Zion Church in California.

students attended, but within a few months forty-four children were enrolled in the school.²⁹⁶

Charles Wollenberg in his article "*Separate but Equal*" in *California* wrongly stated that the "city's Board of Education 'established' the state's first public 'colored schools' in the basement of St. Cyprian Church ..."²⁹⁷ The Black community had asked the city's Board of Education to establish schools for their students, but its demands fell on deaf ears. After they had established their own school in St. Cyprian A.M.E. Church, Blacks approached the board again for public support; this time the board agreed to pay the monthly rent, \$50 dollars for a year, but no more. Members of the Black community paid the teacher's salary and both built and furnished the classroom.²⁹⁸ San Francisco's school board was not likely to establish a "colored school," especially since the city was controlled by the Democratic Party.

Sacramento

Sacramento's Black community opened its first school on 29 May 1854 as it became clear that the White community would not include Black children in the public schools.²⁹⁹ In early 1854 Elizabeth Thorn-Scott, a widow, and her three children arrived

²⁹⁶ Ferrier, *Ninety Years of Education in California*, 100; also see Cloud, *Education in California*, 44.

²⁹⁷ Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* (Berkeley: University of California Press, 1976), 10.

²⁹⁸ Beasley, *Negro Trail Blazers*, 160.

²⁹⁹ Marilyn Demas, *Ungraded School No 2 Colored: The African American Struggle for Education in Victorian Sacramento* (Sacramento: Sacramento Historical Society, 1999), 16.

in California from New Bedford, Massachusetts.³⁰⁰ Failing to find a school that would enroll her children, she opened a private school in her home on Second Street, between M and N streets.³⁰¹ In only a few days, she had fourteen students between the ages of four and twenty-nine.³⁰²

In 1854 Reverend J. B. Sanderson arrived in Sacramento from the Northeast.³⁰³ Not accepting the school situation of the Black youth in the city, he organized a Colored School Committee composed of Dennis Brown, Abraham Simpson, John L. Wilson,

³⁰⁰ Donald E. Hausler, "Elizabeth Flood's School: Oakland's First African American Institution," *Oakland Heritage Alliance News* 11, no. 3 (winter 1992-1993): 3-4.

³⁰¹ Clarence Caesar, "The Historical Demographics of Sacramento's Black Community: 1848-1890," *The Magazine of the California Historical Society* 75, no. 3 (1996): 205.

³⁰² Hausler, "Elizabeth Flood's School," 4.

³⁰³ In 1854 Sanderson migrated to California to establish "colored schools." Travelers from California to Massachusetts had brought word about the school situation in California and Sanderson decided to take it upon himself to establish public schools for the Black children in California. Committed to this task, he traveled alone to California in 1854 leaving his wife and children behind in New Bedford to care for his seriously ill mother-in-law. In 1859, after the death of his wife's mother, the family joined Sanderson in San Francisco. In California, Sanderson participated in Educational Committees and the Colored State Conventions and established churches, Sabbath Schools, and beneficial organizations. Foner and Walker, *Proceedings of the Black State Conventions*, 89. According to Beasley, Reverend J. B. Sanderson left New Bedford, Massachusetts for economic and educational reasons. In New Bedford, Reverend Sanderson often filled the pulpit, worked with the Underground Railroad, was interested in education and the betterment of the race, and saw to it that his own children were well-educated. In the 1860s his daughters were teaching in public schools in Oakland, Visalia, and Red Bluff. In California, Sanderson can be credited with the establishment of "colored schools" in Sacramento, San Francisco, Oakland, and Stockton. As a political activist Sanderson participated in the state's Colored Convention, was a member of educational committees, and teacher of the community. Beasley, *Negro Trail Blazers*, 163-67.

William Hall, Moses Rodgers, William Robinson, Mrs. Yantes, and himself and petitioned the city's Common Council for support of Sacramento's first official school for African American children.³⁰⁴ He must have been persuasive. The first "colored school" in Sacramento opened on 7 August 1854 in the A.M.E. Church on 7th Street. Teacher Elizabeth Thorn-Scott was hired with a salary of \$1.00 a week paid by the students' parents.³⁰⁵

"FATHER OF BLACK EDUCATION IN CALIFORNIA"

JEREMIAH B. SANDERSON

Jeremiah B. Sanderson was well known in New Bedford, Massachusetts, three thousand miles across the country. He was an important link between the Black communities of Massachusetts and California.³⁰⁶ In late 1853 Sanderson left behind his wife and children and sailed from Boston to California on the *S.S. Sonora* for only one purpose: to help establish educational institutions for African American boys and girls.³⁰⁷ News between the East Coast and the West Coast traveled with the crews of the vessels that passed back and forth between Massachusetts and the ports of San Francisco and Sacramento. Thus the Black community in New Bedford learned about the sad state of

³⁰⁴ Beasley, *Negro Trail Blazers*, 174.

³⁰⁵ Hausler, "Elizabeth Flood's School," 4; Ferrier, *Ninety Years of Education in California*, 101. Ferrier stated Mrs. Scott's salary was \$40 per month.

³⁰⁶ Beasley, *Negro Trail Blazers*, 164.

³⁰⁷ Thurman, *Pioneer of Negro Origin*, 37.

African American education and civil rights in California. Sanderson faced the same fight as had the New England African American residents years earlier. In Massachusetts the community first established private "colored schools," then approached Common Councils for funding, and later, with the help of like-minded citizens, got legislation changed. What happened in Massachusetts was not likely to be repeated in California under Democratic Party rule.

J. B. Sanderson, born and raised in New Bedford, had inhaled the cultural atmosphere of his New England home state. He went to school with and became friends of Black and non-Black abolitionists in the city. New Bedford was the center of the Underground Railroad, as well as the headquarters and meeting place for such abolitionists as Frederick Douglass and Harriet Tubman, William C. Nell³⁰⁸ and William Lloyd Garrison. Sanderson was a member of the State Council of Colored People of Massachusetts where he fought side-by-side with Nell and Douglass³⁰⁹ for the civil rights of African Americans and the abolition of slavery.³¹⁰ Sanderson and Nell were united by deep friendship, which remained even after Sanderson moved to California.³¹¹

³⁰⁸ William C. Nell was an abolitionist and one of the leading men in Massachusetts's fight for integrated public schools. Stewart, *Holy Warriors*, 133-45.

³⁰⁹ Sanderson was a protégé of Frederick Douglass and Nell.

³¹⁰ Thurman, *Pioneer of Negro Origin*, 37; Caesar, "The Historical Demographics of Sacramento's Black Community," 205.

³¹¹ The Sanderson collection at Bancroft holds letters between Sanderson and Nell. They give a good account about the written communication between New Bedford and San Francisco. In February of 1859 Nell wrote to Sanderson, "Thank for Newspaper, especially that containing your communication I shall soon have some mention of

Sanderson opened schools in Sacramento, San Francisco, Oakland, and Stockton.³¹² He also selected and hired teachers for the “colored schools.” Moreover, he demanded that African American teachers be examined and certified just as White teachers were, for this was one of the conditions for receiving public funding for the “colored schools.”³¹³ J. B. Sanderson himself passed the examination on 13 October

California Colored Americans in the *Liberator*.” Also Nell informs Sanderson about community events “Attucks festival” on 5th of March and about other community members, as for Wells Brown. J. B. Sanderson, “Sanderson Papers,” Bancroft Library, University of California, Berkeley.

³¹² Beasley describes Sanderson as a “member of the first and subsequent Conventions of Colored Citizens, an active member of the ‘Executive Committee,’ the Franchise League, Educational Convention and the Young Men’s Beneficial Society of San Francisco. He assisted in organizing many churches throughout the state.” Beasley, *Negro Trail Blazers*, 164.

³¹³ According to the State School Laws of 1855, Section 32: “No Common School shall receive any moneys, benefits or immunities under the provisions of this Act, unless such School shall be instructed by a Teacher or Teachers duly examined, approved and employed by competent and legal authority, as herein before provided.” Remarks by Moulder: “This, of course, excludes all independent or private Schools. To constitute a Public School, the Teacher must have been examined and appointed by the Trustees, must be bound by their regulations, subject to their supervision, and the school must at all times be open to the visit and inspection of the Trustees, the County Superintendent, and the Superintendent of Public Instructions. A Private School, in operation, may become a Public School, with the consent of the Trustees, by the Teacher’s offering himself for examination and appointment. If the Trustees give him a certificate and he submit to the rules governing Public Schools, his School will thereafter be entitled to distribution from the public funds.” Andrew J. Moulder, *Commentaries on the School Law with the Elements of School Architecture* (Sacramento: John O’Meara, State Printer, 1858), 55.

1855.³¹⁴ This was one reason why Sacramento and later San Francisco, Oakland, and Stockton where he also taught, had to support “colored schools” with public money.

After Elizabeth Thorn-Scott of Sacramento married Isaac Flood of Brooklyn, California,³¹⁵ she gave up teaching and moved in 1857 to Oakland.³¹⁶ This left Sacramento without a teacher and Sanderson took over the position until an appropriate successor for Mrs. Flood was found. Sanderson was both an excellent educator and an outstanding community leader. For a number of years he maintained pressure on local school boards to build schools for African American pupils.

In later years, after his name had circulated throughout the Black communities of the state, African American parents would send their children from far away places to the schools in which Mr. Sanderson taught.³¹⁷ In San Francisco alone, J. B. Sanderson taught for eight years and walked with the first graduating class of the city.³¹⁸ Reverend Jeremiah B. Sanderson can rightly be called the predecessor of John Swett, who usually is called the “Father of the Public Education System” in California. Mr. Sanderson’s early establishment of a publicly funded “colored school” system in Sacramento and San

³¹⁴ Susan Bragg, “Knowledge is Power: Sacramento Blacks and the Public Schools, 1854-1860,” *The Magazine of the California Historical Society* 75, no. 3 (fall 1996): 219; Hendrick, *Education of Non-Whites*, 10.

³¹⁵ Brooklyn was founded on the East side of Lake Merritt; today Brooklyn is a part of the City of Oakland.

³¹⁶ Mrs. Flood in 1857 opened the first private school in Brooklyn and taught at the school until her death in 1863.

³¹⁷ Lapp, “The Negro in Gold Rush California,” 91.

³¹⁸ Thurman, *Pioneers of Negro Origin*, 38.

Francisco, and his constant pressure on the boards of education for public monies to support those schools, qualify him as the "Father of Black Education" in California.³¹⁹

FROM PRIVATE SCHOOL TO PUBLIC "COLORED SCHOOL,"

1854 – 1863

The State School Law of 1853 provided for the establishment of ward schools.³²⁰ As soon as this law was enacted, petitions asking for financial assistance for church schools were circulated in San Francisco. When enough signatures were secured and presented to County Superintendent J. W. Stillman, a committee of three was created to oversee the ward schools. Three ward schools were created and \$36,690.50 appropriated for their maintenance.³²¹ Apparently, the "colored school" in San Francisco that was established by the A.M.E. Church was not acceptable under the ward school law, since it received no public funds.

However, at the end of 1854 the New Englander ideology triumphed and San Francisco's Board of Education supported the city's "colored school" with public monies. Reverend J. J. Moore was employed by the school board as a teacher for the "colored school" with a salary of \$150 per month. The Black community credited this

³¹⁹ Reverend Sanderson influenced California's public school system until his death in 1875. His influence, not necessarily in the political arena of the Black community, but on the local level demanding civil rights for his pupils from city boards of education, brought change from within the school system over time.

³²⁰ Parochial schools.

³²¹ Cloud, *Education in California*, 30.

accomplishment to the new city superintendent, William O'Grady. "To the latter gentleman we are mostly indebted for the deep interest manifest in behalf of the education of our children."³²² One delegate to the Colored Convention of 1855 said, "In one locality only in the State – San Francisco – a school is established for colored children, which is sustained by the liberality of that city's government."³²³

During 1854 and the first half of 1855 the Sacramento "colored school" was supported by donations from the Black community. In 1855 the Sacramento Board of Education decided to support the first "colored school" with public monies.³²⁴ A page from Sanderson's diary dated 20 April 1855 reports:

Today I opened a school for colored children. The necessity for this step is evident. There are 30 or more children in Sacramento of proper age and no school provided for them by the Board of Education. They must no longer be neglected, left to grow up in ignorance, exposed to all manner of evil influences, with the danger of contracting idle and vicious habits. A school they must have. I am induced to undertake this enterprise by the advice of friends and the solicitation of parents. I can do but little, but with God's blessing, I will do what I can.

J.B.³²⁵

On 19 June 1855 school board member Dr. John F. Morse officially presented a petition for increased support on behalf of the "colored school" to the Sacramento Board

³²² Herbert Aptheker, ed., *A Documentary History of the Negro People in the United States*, 6 vols., vol. I (New York: Citadel Press, 1973), 417.

³²³ Lotchin, *San Francisco 1846-1856*, 131.

³²⁴ Thurman, *Pioneers of Negro Origin*, 38.

³²⁵ Ferrier, *Ninety Years of Education in California*, 101.

of Education. Under Sanderson's leadership the Colored School Committee successfully lobbied the Sacramento School Board in July 1855 to fund a school for thirty African American children and to construct a new building, since the school was still conducted in Elizabeth Thorn-Scott's house.³²⁶ On 18 August 1855 Morse recommended to the school board an amendment to the City Charter to support the "colored school."³²⁷ The *Sacramento Daily Union* gave ironic support by writing "the surest and most sensible way to depopulate our prisons is to extend the field of education."³²⁸

The City Charter was amended with Ordinance No. 245, *An Ordinance for the Establishment and Regulation of Free Common Schools Within the City of Sacramento*. The amendment passed 4:2. Native New Yorker abolitionist and Sacramento storekeeper Mark Hopkins, together with board members Washington Meeks, David Meeker, and Ledyard Frink,³²⁹ voted for the amendment, which provided:

All common schools in this city shall be public and free to all white children residing within the respective district, ... and provided further, that nothing contained in this ordinance shall be construed so as to prevent the Board of Education from establishing one or more schools for colored children, if in their opinion they deem it expedient.³³⁰

³²⁶ Caesar, "The Historical Demographics of Sacramento's Black Community," 205.

³²⁷ Bragg, "Knowledge is Power," 217.

³²⁸ *Sacramento Daily Union*, 25 September 1855.

³²⁹ Bragg, "Knowledge is Power," 218.

³³⁰ *Sacramento City Charter*, Ordinance 47. California State Archives, Sacramento.

They decided that the amount of the appropriation of public monies be “no greater than the taxes collected from the Sacramento Black community.”³³¹ However, some common council members warned that White parents would not accept having their children put on an equal level with the “inferior races” and would take their children out of the schools. More liberal council members responded by saying that if parents pulled their children out of schools because of this amendment, “such children will receive the deepest commiseration of all sensible people on account of the misfortune of their parentage.”³³² Councilmen Charles Crocker,³³³ H. Polly, M.S. Hurd, and Mark Hopkins with Meeks, Meeker, and Frink quieted the opponents of the amendment, and a “colored school” was built with public money in Sacramento.

In 1856 the Sacramento Board of Education appropriated twenty-five dollars a month for the school, but nothing for the teacher’s salary. For a short period of time the board paid one hundred fifty dollars per month, but after the objection of some councilmen the allocation was lowered back to twenty-five dollars.³³⁴

³³¹ Bragg, “Knowledge is Power,” 218.

³³² Bragg, “Knowledge is Power,” 219.

³³³ Demas stated that Crocker was known for his abolitionist views. Demas, *Ungraded School No 2 Colored*, 26.

³³⁴ Savage, *Blacks in the West*, 170-71.

On 11 August 1857 Peter Cole³³⁵ of San Francisco delivered a speech called *Cole's War with Ignorance and Deceit and his Lecture on Education* at St. Cyprian Church in the city. This speech was a "wake-up" call for the African American community. Cole criticized his own people for failing to insist on public-supported schools for their children. He urged the delegates to the upcoming 1857 Colored Convention: "Don't show [sic] the Education Question out of sight, this year. Without knowledge we shall always be fools, ..." ³³⁶ He further lamented,

[f]our thousand Colored people in this State! And yet, we cannot have a single acre of ground to build a school-house we can call our own, worthy of so rich a Colored population as is in California. By-and-by, when the State shall overflow with your little ones, you will be sorry that you have prepared for them no more than primary progress.³³⁷

Cole stated that the well-educated Black man was what the White man feared. In contrast, the White man respected the "monied" Black man. Cole claimed both were self-evident facts.³³⁸

³³⁵ Peter Cole was born 1831 in New York, spoke three languages, worked as bookkeeper and travel agent, traveled to Japan, Egypt, and Palestine, and advocated that the Black community in California purchase a vessel and try trade with Japan. Elizabeth L. Parker and James Abajian, *A Walking Tour of the Black Presence in San Francisco During the Nineteenth Century: A Black History Week Event* (San Francisco: San Francisco African American Historical and Cultural Society, 1974), 5.

³³⁶ Peter Cole, "Cole's War with Ignorance and Deceit and His Lecture on Education," *Delivered in the St. Cyprian Church* [Tuesday Evening, 11 August 1857] (Bancroft Library, University of California, Berkeley), 10.

³³⁷ Cole, "Cole's War with Ignorance and Deceit," 46.

³³⁸ Also see Litwack, *North of Slavery*, 103.

Others also became impatient about the few options to educate their children. The *Mirror of the Times*³³⁹ received a letter complaining about the educational situation in California.

The necessity of establishing schools for the education of our youth, would seem too evident to need urging. And yet there is scarcely a village or town in California that possesses a common school for the education of Colored children. It is true that we are compelled to pay taxes for the support of those already established, and from which our children are excluded; but that is of course, only *just and right*. It is also true that we are denied our portion of the public school-fund, but as we are not possessed of any rights which the white man is bound to respect, it is perhaps only right and proper that we should continually give and never *receive*.

Without schools for the education of those who are to compose the next generation of actors on this great stage, we cannot expect our condition to be permanently improved—for it is upon the present youth of the country that we must make impressions that will perfect what we can only hope to commence.

Thomas Duff, Mariposa, December 8, 1857³⁴⁰

In 1859 Sanderson left Sacramento for San Francisco and the “colored school” lost another teacher. Mr. Sanderson’s successor was a non-Black woman, Ms. B. F. Folger.³⁴¹ The school board paid her a salary of \$50 per month. Later that year, Sacramento’s Common Council unanimously changed the status of the “colored school” to a public school.³⁴² This school came to be known as *Ungraded School No. 2, Colored*.

³³⁹ The *Mirror of the Times* was the first Black newspaper published in California.

³⁴⁰ Katz, *Black West*, 137.

³⁴¹ Lotchin, *San Francisco 1846-1856*, 131.

³⁴² Bragg, “Knowledge is Power,” 220.

Although the “colored school” was upgraded to a public school, a schoolhouse was not provided. The development of a schoolhouse for the “colored school” was so slow that African American parents in 1859 held fundraising events to purchase a site for a school on O Street between 9th and 10th Streets.³⁴³ In 1860 the *Sacramento Daily Union* editorialized that “[t]he heads of the colored families in our city constitute a considerable portion of the taxpayers, and they are entitled to a good school for their children.”³⁴⁴

The school situation in Sacramento, however, was not without complications. The “colored school” was disrupted often, mainly because of the destruction of the school buildings. In 1861 a flood destroyed the school building on O Street, while in 1863 an arsonist destroyed the newly constructed building between 5th and O Streets.³⁴⁵

At the end of the 1850s resentment against African Americans increased in California. The racially charged legislature, increasing discussions about secession over the issue of slavery, and early signs of civil war added to the prejudice and discrimination by the Democratic Party. Even the matter of restricting immigration of African Americans into the state was revived.

In most of California, Whites outnumbered African Americans, often more than a hundred to one. More restrictive laws were passed against Black communities. African Americans were barred from using public transportation in San Francisco and not

³⁴³ Demas, *Ungraded School No 2 Colored*, 35.

³⁴⁴ *Sacramento Daily Union*, 23 April 1860.

³⁴⁵ Lotchin, *San Francisco 1846-1856*, 131.

allowed to register homesteads. With increasing numbers of White immigrants, economic self-interest and racial fear grew without reason.³⁴⁶

Still more African American families migrated from the East to San Francisco. Their children, having had the advantages of a common school system, were advanced in their studies.³⁴⁷ The demands of the African American community for better educational opportunities became more persistent and determined. Parents were no longer willing to accept segregated schools or the limited education of primary schools without advancement into grammar schools. Admittance into the district's grammar schools was a natural evolution denied to African Americans' offspring.

After graduating from the White San Francisco Spring Valley school in 1858, Sarah Lester, 15, the light-skinned daughter of entrepreneur and civil rights activist Peter Lester, enrolled in a White high school where she scored second highest in academic achievement and first in art and music.³⁴⁸ An anonymous letter to the *San Francisco Herald* demanded she be expelled, and for months a debate rocked the White community. Pressure mounted as more Black families sought admission for their light-skinned children into the city's high school and non-Black neighbors petitioned to let Miss Lester complete her studies. Students threatened to boycott school if their Black schoolmate

³⁴⁶ Katz, *Black West*, 308.

³⁴⁷ Aptheker, *Documentary History of the Negro People*, 1:417.

³⁴⁸ Katz, *Black West*, 131.

was removed.³⁴⁹ When the city's school board ruled for expulsion, the superintendent refused to act. The Lester family finally withdrew from the turmoil and migrated to Victoria, Canada.³⁵⁰ Miss Lester wrote a friend: "I can scarcely bear to talk about schools."³⁵¹

Role of Women

Susan Bragg in her article "Knowledge is Power: Sacramento Blacks and the Public Schools, 1854-1860" quoted historian David Tyack who maintained that "during the nineteenth century, no group in the United States had a greater faith in the equalizing power of schooling or a clearer understanding of the democratic promise of public education than did black Americans."³⁵² Black women were spearheads of the communities towards formal education. They helped to build Black churches, taught Sabbath Schools, and supported churches and schools with fundraising events. At "Ladies' Festivals" they sold baked goods and knitwear popular with non-Black residents.³⁵³

The foremost goal of African American women was education for their children and themselves as a tool for advancement and as the means of acceptance in the

³⁴⁹ Katz, *Black West*, 131.

³⁵⁰ During 1858, because of the growing movement to ban African Americans from the state, many Blacks moved to British Columbia.

³⁵¹ Katz, *Black West*, 131.

³⁵² Bragg, "Knowledge is Power," 217-18.

³⁵³ Taylor, *Search of the Racial Frontier*, 90; Katz, *Black West*, 292.

mainstream society. They desired to elevate and to improve the social, political, and economic environment of the African American community.³⁵⁴ Many Blacks understood, especially the ones that came from the South, that illiteracy was a barrier to suffrage and civil rights.³⁵⁵

By the late 1850s African American women in California had a higher literacy rate, seventy-four percent, than African Americans in any other part of the country. It was also higher than that of non-Black pioneer women.³⁵⁶ De Graaf credited the high literacy rate to "the select nature of the population" or "it may also have reflected the greater educational opportunities which the West offered to women." He further declared that girls attended schools in higher numbers than boys throughout the West.³⁵⁷ These African American women from the Northeast, however, had been educated in their home states before migrating. Elizabeth Thorn-Scott, Cathrine Sanderson (wife of J. B. Sanderson), Mary Ellen Pleasant, and others were well-educated before they came to California. Northern Black women were influenced by abolitionism and enjoyed greater civil rights than did free Southern Black women. These women assumed leadership roles

³⁵⁴ Gerda Lerner, ed., *Black Women in White America: A Documentary History* (New York: Vintage Books, 1972), 74.

³⁵⁵ Litwack, *North of Slavery*, 120.

³⁵⁶ Katz, *Black West*, 292.

³⁵⁷ Lawrence B. De Graaf, "Race, Sex, and Region," 293-94.

in their new communities in the West.³⁵⁸ Mary Ellen Pleasant, a widow from New England, inherited from her late husband a handsome sum of money. When she came to San Francisco, she auctioned her service as a “chef,” not as an ordinary cook, to the highest paying employer. She established a boarding house in San Francisco in which many of the incoming African American immigrants found a place for the night. She also hired runaway slaves and became a station for the Underground Railroad. A shrewd businesswoman, Ms. Pleasant established several successful enterprises and was the first woman to sue the City of San Francisco to end segregation on public transportation. She also gave John Brown \$30,000 to support his attack on Harper’s Ferry.³⁵⁹

By the beginning of the 1860s, the influence of Republican politicians and a changing attitude towards equal education of African Americans can be seen. One example was the Conness Act of 1861, which provided “for the sale of the sixteenth and thirty-sixth sections of school lands, with the proceeds going into the State School Fund.”³⁶⁰ The enlargement of the State School Fund increased the amount of money that would be given to all schools. To counter the Conness Act, Assembly member Zack

³⁵⁸ Willi Coleman, “African American Women and Community Development in California, 1848-1900,” in *Seeking El Dorado: African Americans in California*, Lawrence B. De Graaf, Kevin Mulroy, and Quintard Taylor, eds. (Seattle: University of Washington Press, 2001), 105.

³⁵⁹ B. Gordon Wheeler, *Black California: The History of African Americans in the Golden State* (New York: Hippocrene Books, 1993), 87-90. For Biddy Mason and Mary E. Pleasant also see Thurman, *Pioneers of Negro Origin*, 46-50.

³⁶⁰ Cloud, *Education in California*, 38.

Montgomery introduced a religious educational bill that would have provided funds for parochial schools.³⁶¹ But John Conness argued against Montgomery's proposal in front of the Assembly declaring: "Drive home this wedge that is now pointed at your common school system and you will have schools exclusively under the control of sects and parties, as well as persons engaged as educators for profit."³⁶² The Conness bill was enacted; the Montgomery proposal was defeated. Conness understood what it meant to have an education. He came as a boy with his immigrant parents from Ireland to New York and the only formal education that he received was in New York. He politely told Montgomery:

Hence, sir, when the question of public schools—of free schools—in which the children of all may be educated without price, without distinction of class, of wealth, or of politics or religious opinions, is involved, it is no wonder that I should feel a deep interest in that question ...³⁶³ (Emphasis by the writer)

Another person who championed African American children was San Francisco's school superintendent George Tait. Supported by the Black press, he recommended in 1861 to the San Francisco Board of Education "that decent quarters be provided for these

³⁶¹ "That every school numbering thirty pupils, established by the parents or guardians of such pupils, should have the right on application to be enrolled as a public school; that the common school branches should be taught five hours a day, with religious instructions and catechism as an extra, at the will of the parents; that the parents or guardians should elect the trustees of such school, with full powers to control; and that the State Fund should be apportioned according to the number of children attending school." Swett, *History of the Public School System of California*, 31.

³⁶² Cloud, *Education in California*, 39.

³⁶³ Cloud, *Education in California*, 39.

pupils." By 1864 he was successful and moved the "colored school" into a "commodious building erected and equipped for the purpose at Broadway near Powell Street."³⁶⁴

Andrew J. Moulder³⁶⁵ can be credited with the provision in the school laws for the establishment of publicly supported "colored schools"; however, establishment of such schools was not yet mandatory. Lotchin stated that twice as many Black children attended the "colored schools" as non-Black students attended the public schools.³⁶⁶ This implies that even though African American students studied in dilapidated schoolhouses, their desire for education was greater than that of non-Black students. Once again, racism and prejudice did not keep African Americans from utilizing their civil rights in the area of education.

³⁶⁴ Cloud, *Education in California*, 44.

³⁶⁵ State Superintendent for Public Instruction from 1856-1862.

³⁶⁶ Lotchin, *San Francisco 1846-1856*, 320.

V. THE LONG ROAD TO INTEGRATION: "BLACK REPUBLICANS," BLACK ACTIVISM, AND DEMOCRATIC PARTY REVIVAL, 1863- 1871

The 1860s was a decade of political change for California. By 1861 the California Republican Party, established in 1856, began a political campaign to control the state legislature. In the presidential election of 1860 the Republican Party candidate Abraham Lincoln won the election, which provided California's Republican Party with good standing for the state election of 1862.³⁶⁷

California's Political Environment in the 1860s

In 1861 California supported the Union. While a few sympathizers³⁶⁸ leaning towards the Southern defense of slavery avoided public discussions, others left the state and joined the Confederate army. Some pro-slavery sympathizers, who were not so sure on which side they stood, declared allegiance to the Union and stayed in California.³⁶⁹

On 8 September 1861 Brewer wrote in his diary,

There was more excitement in this state than there has been since the days of the Vigilance Committee. But the state has gone overwhelmingly Republican. There was much fear on the subject; from the fact that the Secessionists (Beckenridge [sic]) were united while the Union men were divided into Republicans and Douglas

³⁶⁷ Olin, Jr., *California Politics 1846-1920*, 22.

³⁶⁸ In 1860 California had a population of three hundred eighty thousand; approximately thirty thousand Californians supported the South. Also see Byington and Lewis, *History of San Francisco*, 308; Hyink, Brown, and Thacker, *Politics and Government in California*, 6.

³⁶⁹ Byington and Lewis, *History of San Francisco*, 305.

(Unionist) Democrats. But California is still for the Union, one and undivided.³⁷⁰

And then there were others from a different social and political environment who both supported the Union and favored the abolition of slavery. Thomas Starr King wrote in a letter to Henry Whitney Bellows on 30 September 1861

If it was right for me to leave for California, it was well that I came when I did. For I honestly think that there is one per cent of truth in what people here tell me of the influence of my very frequent speaking in putting California square and strong against the barbarians. A Republican Union Governor and three Congressmen of the same stamp! San Francisco as thoroughly clamper to the government and as warlike as Boston!³⁷¹

King, a Unitarian minister from Boston, Massachusetts, came to California "to save California for the Union."³⁷² King was an abolitionist and a friend of later State Superintendent of Public Instruction, John Swett. In August 1860 he spoke to a large gathering of African Americans in San Francisco. "[He] let California know that he stood with the Union, with the Republican Party, and with Abraham Lincoln."³⁷³ Traveling throughout the state, he used his sermons to preach patriotism³⁷⁴ and national unity.

³⁷⁰ Farquhar, *Up and Down California*, 179.

³⁷¹ Thomas Starr King, *Thomas Starr King Letters to Henry Whitney Bellows 1858-1863*, Bancroft Library, University of California, Berkeley.

³⁷² Arnold Crompton, *Apostle of Liberty* (Boston: Beacon Press, 1950), 32.

³⁷³ Crompton, *Apostle of Liberty*, 34.

³⁷⁴ *The Pacific Appeal*, 25 October 1862, published the following advertisement: "Lecture: The Rev. T. Starr King will lecture, on Thursday evening next, in the A.M.E.

Most of California's Republicans were from Northeastern states, where the anti-slavery Whig Party was predominant in thought and action.³⁷⁵ Official party positions were filled with men born in New England states, New York, Ohio or other liberal states; all came with a strong belief in American public schools.³⁷⁶ Although California's Republicans supported liberty and equality for African Americans, they were not Radical Republicans.³⁷⁷ The goal of the California Republicans was to keep the Union together and to support the national Republican government led by President Lincoln. Therefore, the politics of the early years of the 1860s were overwhelmingly concerned with Civil War issues and the condition of the public school system became secondary.

The Republicans, despite their prejudices, certainly favored African Americans over Chinese immigrants. In 1860, the Republican newspaper *Marysville Appeal* defended the Republican racial ideology of exclusion and inclusion, by stating that African Americans are "[h]uman beings with capacities and with rights and that so long as they were in California, they would prove less troublesome if educated and granted such privileges in law as are necessary for the full protection of their persons and

Church, Powell St. Subject – 'A New Call of Patriotism.' A full house is anticipated, as the proceeds are to be applied for the benefit of the Church. The admission will be, for gentlemen and lady, \$1.50; single tickets \$1."

³⁷⁵ Douglass, *The California Idea and American Higher Education*, 33.

³⁷⁶ Swett, *Monographs on Education in California*, 8.

³⁷⁷ Royce D. Delmatier and others, *The Rumble of California Politics: 1848-1970* (New York: John Wiley & Sons, 1970), 25.

property.”³⁷⁸ The omission of Chinese and Indians from their principle of inclusion was an indication of their racism. That the Republican Party in California advocated civil rights for African Americans constituted a very significant departure from the Democratic Party principles.³⁷⁹

In 1862 Leland Stanford was the Union Party candidate for governor. On 1 August 1861 in a speech in Folsom, instead of addressing local issues, he criticized the decade-long corrupt Democratic legislature. He suggested a number of legal changes, such as transferring the power to decide local issues from the legislature to local boards of supervisors. Stanford promised also that if elected governor he would implement judicial reform, and extend the terms of office of the governor, as well as State Senators and Assemblymen.³⁸⁰ However, he also stated that the national issue, the Civil War, was more important than any local issue.³⁸¹

Stanford urged the audience to give “moral and political support” during the present crisis to the national administration.³⁸² Because Stanford was a Union man, many

³⁷⁸ Robert J. Chandler, “Friends in Time of Need: Republicans and Black Civil Rights in California During the Civil War Era,” *America of the West - Quarterly Journal of History* (1982): 323.

³⁷⁹ Robert J. Chandler, “Friends in Time of Need,” 323.

³⁸⁰ H. Brett Melendy and Benjamin F. Gilbert, *The Governors of California: Peter H. Burnett to Edmund G. Brown* (Georgetown, CA: The Talisman Press, 1965), 115-26.

³⁸¹ George T. Clark, *Leland Stanford: War Governor of California, Railroad Builder and Founder of Stanford University* (Stanford: Stanford University Press, 1931), 107.

³⁸² Clark, *Leland Stanford*, 107.

Democrats voted for him. Since most Californians were loyal Unionists from the North, his win was practically assured.³⁸³

The Black Republicans had won! Only one year before, the proslavery Lecomptonites had swept the [California] state election with a majority of 60,000 votes; but since then the Democratic party in California had become hopelessly divided over slavery and the death of Senator Broderick. The West Coast by a dangerously thin chain held to Lincoln. That he would capture the East was by then generally anticipated and conceded in California.³⁸⁴

Slavery did not end with Lincoln's Emancipation Proclamation on 1 January 1863; however, African Americans in California gained an important civil right. Republicans, as well as the Democrats, were racists, but they were more willing to give African Americans some civil rights based on their belief in republicanism. Republican Robert F. Perkins re-introduced a civil and criminal testimony bill³⁸⁵ to both houses in early 1863. In the Assembly prior to 1862, eleven people had supported a bill that, if passed, would have given African Americans the right to testify in court. After January of 1862, during Stanford's entire term as governor (10 January 1862 – 10 December 1863), the Republicans and Union Democrats were a majority in the Assembly and in the Senate. Thus, the 1863 bill passed in both houses and Governor Stanford signed the

³⁸³ Melendy and Gilbert, *Governors of California*, 117-18.

³⁸⁴ Shutes, *Lincoln in California*, 47.

³⁸⁵ The civil and criminal testimony bill reversed existing "An Act Concerning Crimes and Punishment, Passed April 16th, 1850" and "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in This State, Passed April 29th, 1851."

repeal of the testimony prohibition acts against African Americans into law.³⁸⁶ This was the step forward that African Americans had sought for such a long time.³⁸⁷ The legislation gave African Americans the right to sue non-Black persons in court to protect their property, lives, and civil rights. For California's Democrats, however, this change was not cause for celebration. "Men educated in the school of the California Democracy find it very hard to spell 'negro' without two g's and an I," one journalist wrote.³⁸⁸

Another positive event occurred in 1863. The state had elected a new State Superintendent for Public Instruction, John Swett.³⁸⁹ Swett had breathed deeply the air of abolitionism in Massachusetts before coming to California.³⁹⁰ Nominated on the Union Ticket, he won the office easily, since all State Senators and most of the Assemblymen were Unionists.³⁹¹

³⁸⁶ Melendy and Gilbert, *Governors of California*, 118.

³⁸⁷ Philip J. Ethington, *The Public City: The Political Construction of Urban Life in San Francisco, 1850-1900* (Berkeley: University of California Press, 1994), 187.

³⁸⁸ Robert Joseph Chandler, "The Press and Civil Liberties in California During the Civil War, 1861-1865" (Ph.D. diss., University of California, 1978), 221.

³⁸⁹ John Swett, New Hampshire-born, Unionist, Unitarian, and friend of abolitionists, was most interested in educational issues. His father was a teacher and Swett also worked as a teacher in Massachusetts before he came to California in the 1850s. From 1863 to 1867 Swett was State Superintendent of Public Instruction in California. Under his tutelage the state's public school system became a reflection of the Massachusetts school system. His time in office was cut short due to the victory of the Democratic Party over the Republican Party in 1867, when he still had much work to do. More in detail discussed later.

³⁹⁰ Chandler, "Friends in Time of Need," 329.

³⁹¹ Melendy and Gilbert, *Governors of California*, 120.

Black community leaders were remarkably successful, economically and politically. They formed organizations, published newspapers, and held their own political conventions. All in all they adopted the entire system of political organization designed to gain civil rights that had worked decades before in Massachusetts. Furthermore, they established connections to non-Black abolitionists in California through whom they produced constant pressure on the legislature by means of many petitions. They also secured the support of non-Black humanitarians and educators for equal education. Moreover, the wealth created in the community gave the African American citizens buying power that was no longer overlooked by merchants and traders and served to gain the support of the community from the businessmen. By 1863 African Americans established an independent society in the shadows of California's mainstream society.

The Union Party³⁹² won the 1863 state election and Ferdinand Low was elected as the state's first four-year governor.³⁹³ Born and raised in Frankfort, Maine, he grew up on a small farm, attended common schools, and was apprenticed to a merchant in Boston, Massachusetts. Low was "fearless and honest and had strong sense of duty."³⁹⁴ Under Low's administration, African Americans gained new consideration in both houses of the legislature. In 1864 African Americans were able to desegregate the state's public

³⁹² The Republican Party changed its name during the war years.

³⁹³ Governor Stanford got the legislature to extend the term from two to four years and Ferdinand Low was the first governor serving four years.

³⁹⁴ Melendy and Gilbert, *Governors of California*, 129-36.

transportation system and by 1866 won a revision of the school laws. These laws were far from perfect, but certainly an improvement over Andrew Jackson Moulder's racist School Laws of 1860.³⁹⁵ Under the School Law of 1866, school trustees were permitted to establish segregated schools for non-White students in districts with more than ten African American students.

Other Republicans supported the civil rights of African Americans as well. At a Republican Party meeting in 1864, Frank M. Pixley, Assembly member and editor of the *San Francisco Herald*, stated,

[s]lavery is the cause of all our National troubles, and slavery must die. Not regarding the relation of master and slave from the standpoint of natural justice; not thinking upon it as involving questions of humanity or considerations of right, but only contemplating it with reference to its influence upon our country, and involving economical questions of Government policy; nevertheless it must die. ... [W]e held in bondage [sic] 4,000,000 of human beings, with the same God guaranteed rights of freedom as ourselves; prisoners of war - held to servitude for no crime; men and women inheriting and transmitting bondage from mother to child ; a slavery that outraged and violated every principle of humanity ; that ignored every sentiment of justice; respected neither age nor sex; held the bodies and the souls of its victims in the iron grasp of its inexorable decrees.³⁹⁶

³⁹⁵ Hendrick, *Education of Non-Whites*, 13-14; also see discussion on Moulder.

³⁹⁶ Hon. F. M. Pixley, "Speech of Hon. F.M. Pixley, at the Ratification Meeting, Held at Platt's Hall, Tuesday Evening, September 13th, 1864" (San Francisco: ?, 1864), 3.

Because he also wrote in a speech: "I am in favor of giving a pardon to every Negro belonging to a rebel in the Union," Pixley was quickly labeled an abolitionist by the secessionists.³⁹⁷

Favoring the abolition of slavery did not mean advocating acceptance of Blacks into the mainstream society as citizens with full civil rights.³⁹⁸ Despite a Republican administration in California African Americans gained no voting rights or integrated educational facilities at the end of the Civil War. Moreover, passage of the Thirteenth Amendment, the Civil Rights Act of 1866, and debate over the Fourteenth Amendment led to growing opposition to minority rights, especially for Chinese immigrants in California. For the state election campaign of 1867, the Democratic Party appealed to working-class voters and Irish immigrants to regain control of the legislature.

During the Democratic Convention of 1867 fury against Reconstruction and the Radical Republicans in Congress soared. Delegates called Republicans "harsh, illiberal, and oppressive."³⁹⁹ California's Democrats fought against granting suffrage to African Americans, Chinese, and Indians calling the proposed action dangerous to the politics of America. Members of the newly re-organized Republican Party, often employers of the Chinese, defended their workers for what appeared to be self-interest.⁴⁰⁰ The

³⁹⁷ Tinkham, *California Men and Events*, 207.

³⁹⁸ Arthur G. Pettit, "Mark Twain and the Negro, 1867-1869," *The Journal of Negro History* 56, no. 2 (April 1971): 89.

³⁹⁹ Melendy and Gilbert, *Governors of California*, 143-56.

⁴⁰⁰ Olin, Jr., *California Politics 1846-1920*, 25.

Republicans lost the state election in 1867 and the former pro-slavery Democratic Party, now turned pro-segregationist, once more governed California. Henry H. Haight, born in Rochester, New York, a Republican who switched to the Democratic Party, was elected governor.

Haight left the Republican Party because it supported the abolition of slavery. He was no friend of any other skin color than his own.⁴⁰¹ The roots of his prejudice perhaps lay in his childhood in New York, a state where slavery had been outlawed decades earlier. Ethington in *The Public City: The Political Construction of Urban Life in San Francisco, 1850-1900* reported that

Haight admittedly believed in White supremacy and it was politically expedient for him to support President Andrew Johnson in his struggle with the Radical Republicans on the national scene and to oppose the Chinese on the local scene.⁴⁰²

As long as the “inferior races,” in Haight’s view, were not allowed to vote or hold office, they could have some civil rights. One might wonder what such civil rights were, since he opposed the Fourteenth and the Fifteenth Amendments because they seemed to include Chinese and Indians as well as African Americans.⁴⁰³ Haight served as governor until 1871.

The dominant political issue of the post-Civil War years was the question of suffrage: should African Americans be allowed to vote? In California, neither the

⁴⁰¹ Ethington, *Public City*, 196.

⁴⁰² Melendy and Gilbert, *Governors of California*, 149.

⁴⁰³ Melendy and Gilbert, *Governors of California*, 149.

Republican nor the Democratic Party advocated social equality for African Americans. However, under the Republican and Union governors (1862-1863; 1864-1867) and Superintendents of Public Instruction (1863-1867) some improved treatment was realized.⁴⁰⁴ In 1871 the Republican Party was solid, united, and stronger than in 1863 and it defeated the Democrat candidate for governor and also gained control over the legislature.⁴⁰⁵

California's "Black Republicans" and the School Laws

California's Republicans did not oppose equal education for African Americans, but continued to do so for Chinese offspring. They did not, however, support integrated schools. The School Laws of 1863 allowed, but did not require, school districts to establish separate schools for the education of "Negroes, Asians, and Indians." Overall, in the 1860s under the administration of Republicans and Unionists, education in the segregated public school system was expanded.⁴⁰⁶

A state superintendent for public instruction had limited power. Thomas James in *State Politics and Educational Leadership in California: The Ebb and Flow of Nineteenth Century* stated regarding state superintendents: "They handled clerical duties, exhorted

⁴⁰⁴ Hendrick, *Education of Non-Whites*, 13-14.

⁴⁰⁵ Melendy and Gilbert, *Governors of California*, 149.

⁴⁰⁶ John Conness; governor Leland Stanford; governor Frederick F. Low; B. B. Redding, Secretary of State; John P. Jones (from Boston, Mass.); William J. Shaw, State Senator from San Francisco; State Senator John S. Hagar from San Francisco; State Senator John E. Benton of Sacramento; State Senator C. B. Porter of Contra Costa; J. J. Owen of Santa Clara, and others. Swett, *Monographs on Education in California*, 8; see also Appendix E.

local officials, and lobbied the legislature."⁴⁰⁷ They, therefore, had to rely on like-minded men in the legislature to push through revised school laws.

In 1864 Assemblyman John J. Jones introduced a school bill that provided for the sale of additional portions of sections sixteen and thirty-six of school lands⁴⁰⁸ to increase the State School Fund to support both non-Black and Black public schools.⁴⁰⁹ In the same legislature, John Conness presented a petition with ten thousand signatures from every school district in California asking the legislature to revise school taxes. The petition asked for a state tax levy of "half a mill on the dollar for the better support of common schools."⁴¹⁰ At the end of 1864 both bills passed the legislature. School land was sold and state and county school taxes were levied based on the school census for *each* child.⁴¹¹ For the first time the law included non-White children since they were a part of the census. This was a significant step towards the Revised School Laws of 1866, which gave public support to segregated schools.

⁴⁰⁷ Thomas James, "State Politics and Educational Leadership in California: The Ebb and Flow of the Nineteenth Century," *The Pacific Historian* 30, no. 3 (fall 1986): 20.

⁴⁰⁸ Under the Conness Act of 1861 two hundred thousand acres of school land was already sold to increase the public school fund. Apparently the proceeds were not large enough to support a segregated public school system.

⁴⁰⁹ Swett, *Monographs on Education in California*, 8.

⁴¹⁰ Swett, *Monographs on Education in California*, 8.

⁴¹¹ Swett named the senators that voted for and against the bill. Ayes: Benton, Burnell, Crane, Cunningham, Foulke, Hall, Haswell, Kutz, Maddox, McMurty, Moyle, Porter, Roberts, Shepard, Tuttle, and Wright – 18. Noes: Buckley, Dogde, Evans, Freeman, Gaskill, Hamilton, Hawes, Montgomery, Pearce, Redington, Rush, and Shafter – 12. Swett, *History of the Public School System of California*, 9; also see Swett, *Monographs on Education in California*, 8; Appendix E.

At the end of 1864 Assemblyman James J. Owen of Santa Clara County introduced another school bill⁴¹² that made the admittance of non-Whites into public schools no longer a crime. It "required school trustees to provide separate schools for ten or more black children, upon request of their parents, and to use public school funds for their support."⁴¹³ Going one step further, the Senate version included a provision that permitted trustees to grant "special permission" to admit non-White children into public schools. The bill was narrowly defeated in the assembly, 31 to 37, but the sentiments of the Unionists about integrated schools were clear.

J. J. Owen, who only four years earlier spoke out against equal privileges for African Americans, had changed his mind. After the bill failed he stated,

It seems as though slavery and chivalry had crushed the humanity out of the hearts of a majority of Union men of California ... it is a shame and a disgrace to the white people that blacks were debarred

⁴¹² Revised section 68: "Negroes, Mongolians, and Indians, shall not be admitted into the Public Schools; *provided*, that upon the application of the parents or Guardians of ten or more such colored children, made in writing to the Trustees of any district, said Trustees shall establish a separate School for the education of Negroes, Mongolians, and Indians, and use the Public School funds for the support of the same; and *provided*, further, that the Trustees of any School District may establish a separate School, or provide for the education of any less number of Negroes, Mongolians, and Indians, and use the Public School funds for the support of the same, whenever in their judgment it may be necessary for said Public Schools." "An Act Supplementary to and Amendatory of the Act of April Sixth, Eighteen Hundred and Sixty-Three, Entitled an Act to Provide for the Maintenance and Supervision of Common Schools," in *The Statutes of California Passed at the Sixteenth Session of the Legislature, 1863-4* (Sacramento: O. M. Clayes, State Printer, 1864), 213.

⁴¹³ Hendrick, *Education of Non-Whites*, 330.

from free and equal privileges with other children in our public schools.⁴¹⁴

Despite a majority of Unionists in California's legislature, to vote for abolition of slavery was one thing, to integrate the state's public schools was obviously another.⁴¹⁵ However, in early 1865 Unionists were willing to help African Americans gain equal access to public education. Politicians began to discuss three different options for the education of African American children, but none was discussed with the leaders of the Education Committee of the Colored State Conventions. One option was to exclude African Americans from schools, another was to fund separate but equal schools, and the last option was to permit integration. The Unionists were not ready for integration, although a few supported the idea. Most politicians advocated only the meager funding of segregated schools.⁴¹⁶ "For those schools wishing to integrate quietly, the new law dropped the provisions of the 1860 and 1863 statutes which prohibited the use of state money for an integrated school."⁴¹⁷ The Revised School Laws of 1866 put this decision in writing.

Sec. 58. When there shall be in any district any number of children, other than white children, whose education can be provided for in no other way, the Trustees, by a majority vote, may permit such children to attend schools for white children, *provided*,

⁴¹⁴ Chandler, "The Press and Civil Liberties in California During the Civil War," 228.

⁴¹⁵ Hendrick, *Education of Non-Whites*, 16.

⁴¹⁶ Chandler, "Friends in Time of Need," 330-31.

⁴¹⁷ Chandler, "Friends in Time of Need," 330-31.

that a majority of the parents of the children attending such school make no objection, in writing, to be filed with the Board of Trustees.⁴¹⁸

During the Civil War years education was on the back burner. African Americans were occupied with testimony bills, transportation desegregation, and suffrage. Education was not a high priority for White politicians either, except for one – John Swett. However, without the political alignment in the legislature and Black community activism, he would not have accomplished what he did.

“HORACE MANN OF THE PACIFIC” – JOHN SWETT

When John Swett arrived in 1853 in California, he brought “[b]esides his few material possessions, ... his intangible intellectual baggage – the influence of a New England education and environment.”⁴¹⁹ Swett was born and raised in Pittsfield, New Hampshire, the son of a New England schoolmaster. Swett did not come for the riches of the gold fields, but to nurture his delicate health. During the ten-year period from 1853 to 1863 Swett was in constant contact with his mentor, New England educator William Russell. Russell urged his protégé to “find your proper place and work in the intellectual gold mine of education.”⁴²⁰ Russell encouraged Swett to model California schools after

⁴¹⁸ “An Act to Provide for a System of Common Schools,” 398. Appendix B states the original act passed under State Superintendent Moulder’s term in office.

⁴¹⁹ Polos, “Segregation and John Swett,” 18; also see Cloud, *Education in California*, 39-43 on John Swett.

⁴²⁰ Nicholas C. Polos, “A Yankee Patriot: John Swett, the Horace Mann of the Pacific,” *History of Education Quarterly* 4, no. 1 (March 1964): 18.

the schools of New England. One day he wrote: "We trust that you are, one day, to hold a higher place in educational matters, than you have as yet attained, and to disseminate the good New England influence which you have carried with you."⁴²¹ Swett followed his advice. As president of the San Francisco Teachers' Association, John Swett made repeated references to making California's schools like the schools of New England. Luckingham in his article "Religion in Early San Francisco" described

[men] like Swett, [as] cultural conservators, along with their supporters, were affiliated with Presbyterian, Congregational, Episcopal, Unitarian, and other Protestant denominations. They also were determined to recreate in their new home what they had considered the best of civilization in the settled societies they had left.⁴²²

John Swett was ambitious, a Union man and an abolitionist. His goal was to establish in California a school system that reflected the Massachusetts common school system: public and free, and open to both genders, all classes and races. Swett insisted that if all classes paid taxes, then there was no reason why "the children of all classes, whether white, black, tawny, or copper-colored, should not be educated." For Swett education was a part of "common humanity" and a tool for "Americanization." In a speech at the Union Party State Convention in Sacramento in 1862 he affirmed his philosophy. "You will never make California union to the backbone until you have a school system so thorough that all the people shall be brought into the schools and

⁴²¹ Polos, "A Yankee Patriot," 18.

⁴²² Luckingham, "Religion in Early San Francisco," 64.

thoroughly Americanized.”⁴²³ Swett opposed financing State Universities with public monies before a fully functioning free public school system was established.⁴²⁴ Swett told legislators:

When the State has provided for every child the means of a common education, then let the high schools and state universities be established, and until then let private institutions and colleges already established furnish the means of a higher education.⁴²⁵

John Swett was a member of the Unitarian church in San Francisco and spent much time with the abolitionist Thomas King Starr. Both men believed in Black rights. Their relationship brought Swett unwanted public attention. During Swett’s campaign for state superintendent opposing newspapers called him “agnostic” and “infidel.” Thousands of handbills distributed in the state showed a Yankee schoolmaster teaching a mixed class of White and Black students, with a small Black boy standing at the head of the class. Nonetheless, Swett won the election.⁴²⁶

John Swett did not exclude any race from gaining a free public education.⁴²⁷ His educational philosophy was clear in an address titled “Duties of the State to the Public School.”

⁴²³ Polos, “Segregation and John Swett,” 72.

⁴²⁴ Douglass, *California Idea and American Higher Education*, 35-36.

⁴²⁵ Douglass, *California Idea and American Higher Education*, 36.

⁴²⁶ Polos, “A Yankee Patriot,” 21.

⁴²⁷ Polos, “John Swett,” 145.

At a time like the present when the nation is one vast camp of instruction for armed men; when argument has ended in the right of appeal to trial by battle ... It is an axiom in education that the great majority of people can be well educated only by a system of Free Public Schools, supported by law, in which the 'property' of the state is taxed to educate the children of the State ... California has not yet reached the liberality and democracy of the colonial settlers of New England, 'for not one-half of her Public Schools are Free Schools,' ... So that the State Government makes the munificent provision of one dollar and three mills per scholar for educating the children of California.⁴²⁸

He did not see the same liberty and democracy in California that Massachusetts had reached by 1860s. However, he was willing to bring California the same.⁴²⁹ Swett was a good salesman. He sold his idea of public support for education to California. Horace Mann had created and perfected this idea, which Swett now used as a paradigm. This was the "intellectual baggage, which he had brought with him from New England"—the influence of Horace Mann.⁴³⁰ John Swett argued that, whenever possible,

[o]ur American system of free schools is based upon two fundamental principles or axioms: *First*, that it is the duty of a Republican or Representative Government, as an act of self-preservation, to provide for the education of every child; *Second*, that the property of the State should be taxed to pay for that education.⁴³¹

⁴²⁸ Polos, "John Swett," 150.

⁴²⁹ Polos, "Segregation and John Swett," 72.

⁴³⁰ Polos, "John Swett," 151.

⁴³¹ Polos, "Segregation and John Swett," 73.

In John Swett's and Horace Mann's philosophy, American democracy had to place universal education at the foundation of citizenship.⁴³² This idea was taught in New England, where

[t]he property of this commonwealth is pledged for the education of all its youth, up to such a point as will save them from poverty and vice, and prepare them for the adequate performance of their social and civil duties.⁴³³

In Massachusetts African Americans had full civil rights and were integrated into public schools. Apparently, this was Swett's goal for California as well since during his campaign he argued for free schools for all. He was the first state superintendent for public instruction who openly addressed the problem of inferior educational facilities for non-White children. He also tried to find solutions. Under John Swett, the New England ideology of equal education was at its height in California. Black educators and community leaders, as well as the Black press, supported his efforts to desegregate the state's public schools.

Some historians have overlooked John Swett's genuine effort towards school desegregation and call him a segregationist. Charles Wollenberg in *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* stated that John Swett "never publicly advocated 'mixed schools' nor questioned the practice of segregation."⁴³⁴ Hendrick in *The Education of Non-Whites in California 1849-1970* wrote that

⁴³² Polos, "A Yankee Patriot," 22.

⁴³³ Polos, "Segregation and John Swett," 73.

⁴³⁴ Wollenberg, *All Deliberate Speed*, 15.

“Integrated education was not a cause championed by State Superintendent Swett, but he was able to influence a very modest improvement in the school law of 1864 ...” He says, Swett believed that “provision for their [minority children] instruction in separate schools was required by the ‘dictates of justice and common humanity.’”⁴³⁵ Hendrick argues that Swett was a segregationist and that the gains that African Americans had made by 1866 toward entrance into the White public schools was achieved through the efforts of Black citizens and city school officials. However, he contradicts his own theory when he states, “[t]he political, economic and ideological realities of the early 1860’s pretty well mandated that Negroes would not be denied education, although this was still legally possible. Neither would they be allowed to attend school with whites.”⁴³⁶ Nicholas Polos, on the other hand, described John Swett as a man who abhorred segregation; based on Swett’s upbringing and expressed abolitionist views, this appears more plausible.

To determine John Swett’s view on segregation, examination of the reports of the school years and his actions are helpful. In an address in 1863 before the California State Teachers’ Institute Swett gave a good account of his Puritan belief. “It was reserved for the stern Puritans of New England to first recognize and carry into effect the right of every child to demand of society an education as the inalienable birthright of a

⁴³⁵ Quoted in Hendrick, *Education of Non-Whites*, 15.

⁴³⁶ Hendrick, *Education of Non-Whites*, 16.

freeman.”⁴³⁷ In 1864 in his *Report Relative to Establishing a State University*, Swett wrote: “the Common Schools, or Primary Schools should exist in every town and district in sufficient numbers to give all children of the State, of both sexes, the first element of a sound education. This much should be compulsory on all citizens and should be the first care of the Legislature.”⁴³⁸ In his *Second Biennial Report for the School Years of 1866 and 1867* John Swett wrote in the introduction, “with a determination to secure for every child in California a right guaranteed by law to an education in a system of free schools based upon the proposition that the ‘property’ of the State ought to be taxed to educate the ‘children’ of the State.”⁴³⁹ Nowhere does Swett say that minority children had to be educated in “segregated” schools. He never intended to establish a public school system with segregated schools. Swett stated in his report that “[t]he people of the State are decidedly in favor of separate schools for colored children.”⁴⁴⁰ This statement appears to be an objective observation about the sentiments of White Californians; his own opinion remained unstated. Swett’s position as state superintendent of public instruction was

⁴³⁷ The address is published in *Annual Report of the Superintendent of Public Instruction of the State of California for the School Years 1863* (Sacramento: O. M. Clayes, State Printer, 1863), 75.

⁴³⁸ *Report Relative to Establishing a State University Made in Accordance with a Concurrent Resolution Passed at the Fourteenth Session of the Legislature, 1864* (San Francisco, 1864), 50.

⁴³⁹ *Biennial Report of the Superintendent of Public Instruction of the State of California for the School Years 1866 and 1867* (Sacramento: D.W. Gelwicks, State Printer, 1867), 6.

⁴⁴⁰ *Biennial Report of the Superintendent of Public Instruction of the State of California for the School Years 1866 and 1867*, 22.

without political power; therefore, he had no other option than to uphold the state laws and wait until Californians overcame their insecurity toward African Americans. He was pleased when national events changed the attitude of the people.⁴⁴¹

Hendrick was perhaps correct in one point in his assessment of school desegregation: African American citizens had gained power and influence in California by the mid 1860s and more politicians supported educational rights for African American children. Black activism was on the rise, as evidenced by the Black press. However, without additional positive supporters who believed in equality under the law for all, the School Laws of 1866 would not have been enacted.

School Legislation Enacted During John Swett's Term in Office

Lacking political power in his position as state superintendent for public instructions, John Swett had to lobby supporters for his school bills. In *History of the Public School System of California* Swett described how.

During each successive session of the Legislature I became a persistent member of the 'Third House,' arguing, soliciting, meeting committees, and patiently waiting, with a determination to secure for every child in California a right guaranteed by law to an education in a system of free schools based upon the proposition that the property of the State ought to be taxed to educate the children of the State.⁴⁴²

⁴⁴¹ The New England environment apparently affected John Swett, who breathed in the philosophy of Horace Mann while living within the most liberal state of that time period. Also see Polos, "Segregation and John Swett," 74.

⁴⁴² Swett, *History of the Public School System of California*, 47.

Swett and his supporters traveled throughout the state and circulated petitions for a state school tax that was high enough to pay for the state education system. He declared it was "the duty of a representative government to maintain public schools as an act of self-preservation."⁴⁴³ His petitions resulted in passage of a new bill, which provided for "an annual state school tax of five cents on each one hundred dollars of taxable property."⁴⁴⁴ In addition counties were "required to levy a minimum county school tax equal to two dollars for each child between the ages of four and eighteen years."⁴⁴⁵ The maximum rate of county tax allowed by law was increased from twenty-five to thirty cents. The bill was not opposed in the Assembly, but in the Senate a battle ensued. In his papers Swett discussed his difficulties with the Senate:

In those early days, as now, real constructive educational legislation was often a matter of 'give and take.' The politicians were obdurate. Recalling that at one time Mr. Swett [addressing himself] had related a particular instance of how he had handled a politician and had succeeded in getting a desirable bill through the Legislature, we asked him about the circumstance. Mr. Swett's eyes snapped. 'It was Senator _____,' he replied instantly. 'I met him and said: 'I want you to help me a little on a school bill.' He said: 'What's there in it?' 'Not one continental damn in it, but, ' I Said, 'have you any children? 'Yes, two.' 'Well I suppose you care something about their education. Now', said I, 'your reputation is that of a very successful lobbyist, and I would like to have you help me in this. When you apply for admission to St. Peter, he will say, 'What did you do in the Legislature? He will ask you if you voted for Swett's school bill. If you can help me out conscientiously he will let you in.' He thought I was serious about

⁴⁴³ Quoted in Starr and Orsi, *Rooted in Barbarous Soil*, 238.

⁴⁴⁴ Starr and Orsi, *Rooted in Barbarous Soil*, 238.

⁴⁴⁵ Starr and Orsi, *Rooted in Barbarous Soil*, 238.

it and interested a lot of the San Francisco delegates that I could not touch with a ten-foot pole, and the measure was carried. The San Francisco delegation voted against almost every educational proposition in those days [San Francisco's local government was in Democratic hands]. I had to fight the whole crew, and although I fought the legislators for three successive Legislatures, nobody knew how hard I had to work. Many politicians did not care for public schools. Schools were all right provided they did not increase taxes. All the influence I secured I had to get over their heads.' 'I suppose you have had some mighty interesting experiences handling schools boards?' Didn't I have a fight all the time! A reformer has got to fight to make the simplest change. If you go along and have no influence, then they don't care.⁴⁴⁶

Swett was victorious and California established a tax-supported public education system with the School Law of 1863. In his first report to the legislature as State Superintendent of Public Instruction in 1863, Swett reported that California had 754 public schools; however, only 219 were entirely "free schools."⁴⁴⁷ He had the insight, inclination, and ability to make a meaningful comparison between California and the Northern states where all schools were free. He pointed out that California taxes provided only \$4.42 for each student, when they should provide \$7 dollar per student to accommodate the growing population number in the state.⁴⁴⁸ Swett's extraordinary

⁴⁴⁶ Swett, "John Swett Papers, 1853-1913."

⁴⁴⁷ John Swett, *First Biennial Report, 1864-1865*, Bancroft Library, University of California, Berkeley.

⁴⁴⁸ By the midst of 1860s California needed more laborers to fill the growing working class jobs and not only a few brilliant minds. For economic growth California needed the masses of ordinary people, preferred were families. As attraction for new immigrants, Swett argued, a public education system was necessary. By 1871 the California Immigrant Union promoted immigration to California to families by describing the public schools. "The State provides liberally for the education of all its children. The State University and its public schools, from lowest to the highest are

leadership resulted in yet another victory in 1864 when the state tax was increased from five to eight cents and the minimum county tax from two to three dollars.⁴⁴⁹ Although Swett failed to gain integration of the schools, the School Laws of 1864 established a solid monetary foundation for the public school system and equal support for “colored schools.”

By 1866 Swett was quickly approaching his goal of creating a system of equal education for all. The Revised School Laws of 1866 began as “An Act to Provide for a System of Common Schools.”⁴⁵⁰ This act would permit public school admission of children of African, Mongolian and Indian descent not living with White parents or guardians. The original act read as follows:

Upon the written application of the parents or guardians of at least ten such children to any board of trustees or board of education, a separate school shall be established for their education, and the education of a less number may be provided for by the trustees in any other manner. ... When there shall be in any district any number of children other than white children whose education can be provided for in no other way, the trustees or a majority vote, may permit such children to attend schools for white children, provided that a majority of the parents of the children attending

liberally endowed, equal to the best in the World, and open freely to the children of the poorest citizen. Every county receives its share, pro rata, of the State School Fund, and wherever there are in a district sufficient children to form a school, the parents are entitled to demand, as a right, that a teacher, paid from the public treasury, shall be supplied.” California Immigrant Union, “All About California and the Inducements to Settle There: 1871,” 5.

⁴⁴⁹ Starr and Orsi, *Rooted in Barbarous Soil*, 238. The School Law of 1863 also provided for longer school years.

⁴⁵⁰ Starr and Orsi, *Rooted in Barbarous Soil*, 238-39.

such school make no objection in writing filed with the board of trustees.⁴⁵¹

This act passed the Assembly, but was defeated in the Senate 25 to 5 because of the provision that school trustees could admit minority children into public schools. The act was amended and gave some improvements for the educational opportunities for the offspring of minorities. The schools laws practically established legally separate public schools for children of African descent. Swett knew that this new School Law would not bring African American children into the White schools, but including the “colored schools” into the public schools system on an equal level was a step in the right direction. Swett expected to be re-elected on the Unionist ticket in 1867 for four more years, but the Democrats defeated the Republicans and Swett was out. Had Swett been able to influence school legislation for four more years, school integration might have been achieved much earlier than 1875.⁴⁵²

When Swett left office in 1867, forty-six percent of Euro-American California children and forty percent of African American California children, but only one percent of Indian and Asian children, were enrolled in the state’s public school system. In his last *Biennial Report* Swett stated that California had made the transition from a rate-bill⁴⁵³

⁴⁵¹ Ferrier, *Ninety Years of Education in California*, 99.

⁴⁵² Hendrick, *Education of Non-Whites*, 16-17.

⁴⁵³ A free and public school system existed before the Revised School Laws of 1866 only in larger cities in California, schools that existed in the country side were rate bill (tuition-supported) schools. Chandler, “The Press and Civil Liberties in California During the Civil War,” 172.

common school to an American *free school*. "For the first time in the history of the State, every public school was made entirely free for every child to enter."⁴⁵⁴

African Americans had by 1866 not only gained a law that created publicly supported schools, but they had gained political influence and power in the state which enabled a more aggressive fight for equal education. Their political activism was at a high point in the mid 1860s. Without their pressure at the local and state levels John Swett would not have been heard. The constant pressure of the community brought about change.

BLACK ACTIVISTS GEARING TOWARD EQUAL EDUCATION UNDER THE LAW

In the 1860s the small African American community⁴⁵⁵ of San Francisco provided the leadership for the civil rights movement in California. After many African American workers and leaders left the state in 1858⁴⁵⁶ for British Columbia, the community regrouped and found new strength and motivation from such incoming leaders as Philip

⁴⁵⁴ *Biennial Report of the Superintendent of Public Instruction of the State of California for the School Years 1866 and 1867*, 5.

⁴⁵⁵ About 1,000 residents.

⁴⁵⁶ Many African Americans left the nation after the Dred Scott decision out of fear and frustration. Also the increasing discussion in California's legislature concerning barring the immigration of African Americans into the state hastened for many Blacks the decision to leave the state.

A. Bell, an outspoken, experienced newspaperman from New York.⁴⁵⁷ Bell brought fresh blood to the movement and inspired Townsend, Ruggles, Hall, Barbadoes, Sanderson, and others to continue the fight for civil rights. On 29 March 1862 Philip A. Bell⁴⁵⁸ and Peter Anderson published their first newspaper together, the *Pacific Appeal*. In the late 1850s the African American community already had published a Black newspaper, the *Mirror of the Times*, but it was short-lived. When M. W. Gibbs left for British Columbia, the publication discontinued. The *Pacific Appeal* with Philip A. Bell as the first editor became the agitator and the voice of the community. Only a few months later, however, Bell left the *Pacific Appeal* over disagreements with Anderson. Philip A. Bell was an integrationist,⁴⁵⁹ while Peter Anderson was more of an accommodationist,⁴⁶⁰ therefore,

⁴⁵⁷ Chandler, "The Press and Civil Liberties in California During the Civil War," 201.

⁴⁵⁸ Philip A. Bell co-edited the *Colored American* in New York from 1839 to 1841. J. William Snorgrass, "The Black Press in the San Francisco Bay Area, 1856-1900," *California History* 60, no. 4 (winter 1981/82): 307.

⁴⁵⁹ "A clear statement of principles in every issue [of *The Elevator*] showed that integration was to be a major objective of the new paper: 'The Elevator, a Weekly Journal of Progress, Equality Before the Law.' ... 'This paper is the Organ of the Executive Committee, and will advocate the largest political and civil liberty for all American citizens, irrespective of creed or color. Such are our general principles and objectives, but we will have in addition thereto, a special mission to fulfill; we will labor for the civil and political enfranchisement of the Colored people – not as a distinct and separate race, but as American citizens.'" Quoted in John Teifer, "Philip Alexander Bell and the San Francisco Elevator," *The San Francisco Negro Historical & Cultural Society Monograph* (August 1966): 4.

⁴⁶⁰ "For a while the *Appeal* turned some of its attention to the problem of gaining suffrage for blacks in California, However, by 1867 Anderson 'insisted that efforts by Negroes to win the vote in California were fruitless.' He also advocated that 'all activists should retire and wait for Congress to pass legislation guaranteeing Negro suffrage.' At

they often disagreed over the content of the editorials. At the end of 1862 Bell published *The Elevator* in San Francisco and both newspapers continued to serve the community.

By 1865 the leaders of the Black community geared into the political arena. That year's State Convention of Colored Citizens passed resolutions calling for equal education and suffrage. In 1871 an Education Convention in Stockton passed a resolution to bring the school integration issue before California's Supreme Court. Since 1863 African Americans had achieved testimony rights and voting rights. It was more than time to integrate the public school system.

The "Colored School" Situation During the 1860s

School legislation during the 1860s permitted school boards of education to fund schools for children whose skin color was other than White. Many towns with a large number of African American children provided some kind of segregated education with small public support. During the first half of the 1860s only San Francisco, Sacramento, Marysville, Stockton, San Jose, and Placerville established "colored schools."⁴⁶¹ Despite the fact that African Americans paid school taxes in all communities, communities with fewer than ten Black children appropriated no public funding for separate schools, thus preventing many African American school-age children from gaining an education. Another obstacle was the exclusion of African Americans from adult education. Access

this point, the *Appeal* ceased to be a crusader for black suffrage in the state." Snorgrass, "The Black Press in the San Francisco Bay Area," 308.

⁴⁶¹ Chandler, "Friends in Time of Need," 330.

to San Francisco's Mercantile and Mechanics Institute Libraries, sources of self-education for White adults, was denied to the city's Black population as well.

This situation brought African American community leaders into negotiations with city leaders to discuss the education of their children.⁴⁶² The increased support of non-Blacks, the role of the Black economic institutions, as well as the increasing buying power of the Black community probably all contributed to changing the minds of traders, merchants, and public officials. As a result, the number of "colored schools" was increased from five schools in 1863 to eight in 1865, seventeen in 1870, and twenty-four schools in 1872. After the Revised School Laws of 1866, John Swett wrote in his *Biennial Report* that eighteen Black children attended schools with non-Black children in seven counties. By 1867 fourteen Black students were enrolled in non-Black schools in three counties.⁴⁶³

As the number of schools increased, so did the number of African American children attending them. Even though more than twenty schools for African American students were established during the 1860s, their classrooms and facilities continued to be inferior to the ones provided for White children. No high schools were established for Black children, who were barred from public high schools. As more African American

⁴⁶² Hendrick, *Education of Non-Whites*, 18.

⁴⁶³ *Biennial Report of the Superintendent of Public Instruction of the State of California for the School Years 1866 and 1867*, 22.

children reached high school age in the 1860s, the San Francisco Black community worked vigorously to establish a high school for their children.⁴⁶⁴

In 1861 Reverend Peter Cassey established a boarding school for African Americans with the help of the community in San Jose. The announcement read: "a high school for colored children" has opened. A few months later the school was renamed *The Phoenixonia Institute*.⁴⁶⁵ Peter W. Cassey was the son of Joseph Cassey, a well-known Philadelphia abolitionist and anti-colonizationist. In California Cassey served the community also as a barber and in later years as rector of Christ Episcopal Mission in San Francisco. His private boarding school in San Jose was open to the children of his parishioners.⁴⁶⁶ To attract students, he made the following announcement:

The design is to establish a high school for colored children. This, a public good which all must acknowledge, is one of the necessities of the age. I ask the assistance and co-operation of all. Board and tuition per term of four weeks, \$16 to \$20. All English branches and vocal music without extra charge. Piano or melodian, with the use of instrument, at \$6.00 per month.⁴⁶⁷

⁴⁶⁴ Rudolph M. Lapp, "Afro-Americans in California," in *Golden State Series*, Norris Hundley, Jr. and John A. Schutz, eds. (San Francisco: Boyd & Faser Publishing Company, 1979), 14. Also see Appendix C and D.

⁴⁶⁵ Ferrier, *Ninety Years of Education in California*, 102.

⁴⁶⁶ Parker and Abajian, *Walking Tour of the Black Presence in San Francisco*, 5-6.

⁴⁶⁷ Parker and Abajian, *Walking Tour of the Black Presence in San Francisco*, 5-6.

In 1863 Black San Franciscans expressed their dissatisfaction with the school in the basement of St. Cyprian Church. The *Pacific Appeal* published the following article on 18 April 1863 under the title "The Public School":

There are a great many complaints coming to us which it is not in our power to remedy. The basement of the old St. Cyprian Church building, wherein the public school is held for colored children, is in a very bad condition. It is a fact that the place is damp, badly ventilated, with no convenience for a playground, nor seats enough for the children, and every inconvenience imaginable for a school. Petitions have been frequently sent to the Board of Education by parents and others interested, and these petitions have all been very respectfully received, and referred to committees, and there the subject rests. This has been the case for five or six years.⁴⁶⁸

Bell established the blame placing it upon:

The board [of education] is under the control of the Board of this county. The State does not extend the common school privileges to colored children, although colored persons are taxed, in common with all others, to maintain the public school system. This is certainly unjust, and ought to be remedied by the present Legislature.⁴⁶⁹

Bell advised parents to create a committee, draw up a new petition and present it to the school board. He also suggested that the "larger girls" should have their own school and called the "colored school" system of the time discouraging.⁴⁷⁰

The *Pacific Appeal* announced further: "The law which prohibits colored children from the common schools is the first that should demand the consideration of

⁴⁶⁸ *The Pacific Appeal*, 18 April 1863.

⁴⁶⁹ *The Pacific Appeal*, 18 April 1863.

⁴⁷⁰ *The Pacific Appeal*, 18 April 1863.

our friends.”⁴⁷¹ And the Black students indeed had friends. San Francisco’s Superintendent of Public Instruction George Tait visited the school and observed the conditions Black parents and the Black press were complaining about. In his report of 1863 he wrote: “while the black school in the African Methodist Church basement was being well attended, the room itself was ‘disgraceful to any civilized community.’ ”

George Tait described the accommodations of the “colored school” as follows:

The room occupied by this school for the past few years is disgraceful to any civilized community. A decent respect for the wants and feelings of a common humanity demands that the colored pupils be supplied with better and more ample accommodations for the children. I would suggest that a small building be erected in some central location, so that the children may have access to it, as having but one school, they must come from all parts of the city.⁴⁷²

Tait’s recommendation to construct a better schoolhouse in a more central location of the city for Black children was successful.⁴⁷³ On 20 June 1863 the *Pacific Appeal* wrote: “Attention was called to the wretched accommodations furnished by the house now occupied by the colored school, and a recommendation that a building be put up for them, on the corner of Mason and California streets, was adopted.”⁴⁷⁴ Bell stated that the new schoolhouse would be appreciated and expressed the hope of the community that school boards in other cities would take the same actions and establish schools for

⁴⁷¹ Chandler, “Friends in Time of Need,” 330.

⁴⁷² Ferrier, *Ninety Years of Education in California*, 100.

⁴⁷³ Hendrick, *Education of Non-Whites*, 18.

⁴⁷⁴ *The Pacific Appeal*, 20 June 1863.

African American children. At the end of the article Bell made a comparison to Massachusetts: "Let Californians study the example of Massachusetts in this respect. It is thus the old 'Bay State' spoke to the enlightened world at the adoption of her Constitution"; then he cited the part of the Massachusetts Constitution that pertained to the establishment of equal schools under the law.⁴⁷⁵

On 11 April 1864 African American students attended their first lecture in "the first free schoolhouse for colored children on the Pacific Coast." The new and better location was on Broadway near Powell Street. With the more central location of the schoolhouse, school attendance increased almost immediately from 58 percent to 79.1 percent.⁴⁷⁶ Two well-furnished classrooms, one for a primary class and the other for older pupils, were provided for the students. A second teacher, Mrs. Precilla Stewart, was hired. The school became more structured with Reverend J. B. Sanderson promoted to principal.⁴⁷⁷ The new facility bore little resemblance to the former 192-student single classroom taught by Sanderson.

Sanderson, one of the oldest leaders of the movement for equal education in California, in 1857 had moved from Sacramento to San Francisco to assume a pastorage.⁴⁷⁸ Thereafter, he took over the city's "colored school" where he taught

⁴⁷⁵ *The Pacific Appeal*, 20 June 1863.

⁴⁷⁶ Hendrick, *Education of Non-Whites*, 18.

⁴⁷⁷ Ferrier, *Ninety Years of Education in California*, 100.

⁴⁷⁸ Philip M. Montesano, "Some Aspect of the Free Negro Question in San Francisco, 1849 -1870" (master's thesis, University of San Francisco, 1967), 52.

throughout the Civil War. In 1864 he was promoted to principal of that school.⁴⁷⁹ This position did not protect him from the effects of racism. On 15 June 1866 the Board of Education demoted J. B. Sanderson from principal of the “colored school” to teacher of another school for the following reason.

Precilla Stewart, Sanderson’s assistant, left the school to open her own school “for infants and toddlers.”⁴⁸⁰ When no African American successor for Stewart was found, a White female teacher was hired. In nineteenth-century America, a White woman could not work under a Black man, regardless of his position or ability. The Black community complained that the city’s Board of Education had not even tried to find a Black teacher. Bell demanded: “As long as we have colored schools, we should have colored teachers.”⁴⁸¹ Despite the protest of the Black community, the school board filled the position of principal of the “colored school” with a White man, without consulting the Black community.

Within two weeks after the new principal began his work in the “colored school,” Sanderson was transferred. The school board opened one more “colored school” in San

⁴⁷⁹ Rudolph M. Lapp, “Jeremiah B. Sanderson: Early California Negro Leader,” *Journal of Negro History* 53, no. 4 (October 1968): 329.

⁴⁸⁰ McBroome, *Parallel Communities*, 13.

⁴⁸¹ Chandler, “The Press and Civil Liberties in California During the Civil War,” 228.

Francisco, located south of Market Street, and Sanderson taught there until 1868.⁴⁸² By November of 1865 the city also had two Black adult night schools, one for women and one for men, and a free Catholic school for African American children.⁴⁸³

In 1866 Superintendent John Swett visited the Broadway "colored school" and gave it a positive evaluation, although he was not a man of praises. On this occasion he reported that eighty students were in attendance, including thirty-one in the Grammar Department and forty-one in the Primary Department. He described both departments as being in "good condition," and stated that the school compared "favorably with other schools."⁴⁸⁴

In June of 1867 the school census counted one hundred sixty-five African American children in San Francisco between five and fifteen years old. The newly elected city superintendent John C. Pelton⁴⁸⁵ recommended that the city Board of Education erect another schoolhouse for the African American students. Because of the increasing numbers, he thought the current Broadway "colored school" would be soon too small. The unstated reason was that the "colored school" actually had to be closed.

⁴⁸² Lapp, "Jeremiah B. Sanderson," 330; also see Starr and Orsi, *Rooted in Barbarous Soil*, 237 and Chandler, "The Press and Civil Liberties in California During the Civil War," 229.

⁴⁸³ Chandler, "The Press and Civil Liberties in California During the Civil War," 229.

⁴⁸⁴ Hendrick, *Education of Non-Whites*, 19.

⁴⁸⁵ This is the same John C. Pelton who came in 1849 from Boston, Massachusetts, to establish a school in California.

General Cobb,⁴⁸⁶ San Francisco's City Director of Public Schools, called the school a nuisance to White children because it was contiguous to a newly opened White Primary School. Hence, the Broadway "colored school" was closed.⁴⁸⁷ Bell criticized the city and especially Cobb over the closing of the school. In his editorials in *The Elevator* he attacked the City Director of Public Schools:

Ever since he has been in the Board he has endeavored to have that school broken up. He first pronounced it a nuisance; now he says the black children behave worse than the white children. How consistent! He has achieved his object and he need not be surprised if we are indignant.⁴⁸⁸

The "new" location of the "colored school" at the corner of Vallejo and Taylor streets on Russian Hill did not satisfy the African American parents for the location was neither central nor safe.⁴⁸⁹ The editor of *The Elevator* protested:

In the name of Justice, we protest against this change. The location is not central; it is too far removed from the residences of our people; it is in a neighborhood where our children are liable to be molested; it is defrauding us of a portion of the money appropriated for the education of our children; and, in fact, it is a gross act of injustice, which would not be practiced on any other class in the community.⁴⁹⁰

⁴⁸⁶ General Cobb was a Southerner from Galveston, Texas, and before he came to California, a slave holder and slave trader. McBroome, *Parallel Communities*, 14; *The Elevator*, 28 February 1868.

⁴⁸⁷ McBroome, *Parallel Communities*, 13.

⁴⁸⁸ *The Elevator*, 31 July 1868.

⁴⁸⁹ Ferrier, *Ninety Years of Education in California*, 100.

⁴⁹⁰ *The Elevator*, 6 November 1868.

The demand for integration into the general public schools came to the forefront again. But the demands of the Black parents were dismissed by Pelton's successor, Superintendent James Denman who expressed "that it was unwise on the part of the colored people to insist, as some were, that these children be taught with the others, so long as the Board of Education was willing to give them equal facilities in their own schools."⁴⁹¹ Many African American parents and community leaders boycotted the unequal "colored schools." By 1870 the enrollment of African American children was down to one hundred forty-five with an average daily attendance of seventy-six students.⁴⁹² Parents were keeping their children out of school rather than endanger their lives.

By 1869 school boards outside of San Francisco began to admit Black students into the general public schools. Oakland's school board in 1872 quietly integrated its schools after a debate about the pros and cons that continued for a period of several months. Oakland and Brooklyn were among the first cities in California to abolish segregated schools.⁴⁹³ During the 1860s and early 1870s many Black spokesmen called the attention of the people of California to the inequality of segregated schools and the

⁴⁹¹ Ferrier, *Ninety Years of Education in California*, 100.

⁴⁹² Albert S. Broussard, *Black San Francisco: The Struggle for Racial Equality in the West, 1900-1954* (Lawrence: University Press of Kansas, 1993), 18.

⁴⁹³ Donald E. Hausler, *Blacks in Oakland: 1852-1940*, vol. 1 (Oakland: City of Oakland, 1987), 11-12.

public school system. During the entire period the focus of the African American community was on equal educational opportunities for its children.

After the Civil War African American men and women in California began more forcefully and aggressively to demand their civil rights. New leaders of the Black community took control and organized a State Convention of Colored Citizens in 1865 to deal with suffrage. Some of the leaders by 1870 also formed a coalition against school segregation.⁴⁹⁴

Black Leadership

Due to a number of racist policies in California, African American leaders had to overcome many obstacles. They were almost powerless politically within mainstream society. Many, however, gained power, trust, and a loyal constituency in the Black community itself. During the 1860s some of the most outstanding of these leaders were Ezra R. Johnson,⁴⁹⁵ Frederick G. Barbadoes, William H. Yates, Jonas H. Townsend, Philip A. Bell, and P. Anderson.

On 1 January 1867 in Platt's Hall in San Francisco Dr. Ezra R. Johnson spoke in honor of the Fourth Anniversary of President Lincoln's Proclamation of Emancipation. Reflecting the attitude of the African American political leaders of the time, he delivered

⁴⁹⁴ Hendrick, *Education of Non-Whites*, 15.

⁴⁹⁵ Ezra R. Johnson learned his skills for political conventions in the Rhode Island conventional meetings before migrating to California and participating in the states Colored Conventions and community activism.

a rousing speech. To voice their demands in public was proof of their courage, determination, political activism, and pride.

We gave twenty thousand precious lives of our race to save the life of the nation. We now demand of the government a fulfillment of its pledge. We will labor incessantly until we obtain all the rights and privileges that are enjoyed by the Caucasian race. We are prepared to solve the great problem that will establish our social rights. Equality before the law will unshaft the calumnious darts of our enemies. The ballot is soon to become our pedestal. The four cornerstones of our new edifice, upon which civil society is to be built, are the church, the school-house, the press, and the ballot. Then our career of usefulness will emit a vivid light. We will raise our standard high, and labor to become the peers of the dominant race.⁴⁹⁶

Dr. Johnson, whose grandfather was Paul Cuffe, merchant and abolitionist of Massachusetts, reminded his audience of what his grandfather was able to gain for the Black community. "He was one of the wealthiest men in that town, and he was highly respected by the Society of Friends, of which he was a prominent minister."⁴⁹⁷ Johnson recalled times when African Americans could not vote, testify, or go to school in America. He spoke to the community about the courage of his ancestor, the fact that he would not just sit back and accept his fate.⁴⁹⁸ Johnson also gave an account of his own experience that he was able to vote and that Black men were elected to and served in

⁴⁹⁶ Ezra R. Johnson, "Emancipation Oration, by Dr. Ezra R. Johnson Delivered in Honor of the Fourth Anniversary of President Lincoln's Proclamation of Emancipation, 1867" (Bancroft Library, University of California, Berkeley), 10.

⁴⁹⁷ Ezra R. Johnson, "Emancipation Oration," 11.

⁴⁹⁸ Ezra R. Johnson, "Emancipation Oration," 11.

elective office in Massachusetts. Accounts like these he knew proved uplifting to the community and would stimulate new actions and energy.

Twenty-five years ago your speaker was one of the regularly nominated candidates of the Liberty Party from Bristol County, Massachusetts, for a seat in the Senate of that State. Our ticket was supported by a full vote, but we failed to elect. The friends of freedom and equal rights did not despair. They frequently placed the names of colored men on their ticket, with like results; and now, after a long and well-fought battle with the ballot, we have gained a glorious victory. We rejoice with our friends in the east who have unfurled their banner, which may be seen floating high in the air, on which inscribed in letters of light – Equal and exact justice to all men.⁴⁹⁹

Frederick G. Barbadoes was a delegate to all four State Colored Conventions. For the 1856 convention, Barbadoes acted as chairman. In Boston, where he was active in the Black Community, Barbadoes had contact with abolitionists and the Underground Railroad, and was a member of a wealthy New England Black community that enjoyed equal rights. At the 1865 State Convention Barbadoes remarked in his opening speech:

For the fourth time the colored citizens of this State are assembled in Convention for the purpose of obtaining JUSTICE, and the consideration of subjects tending to our general elevation.⁵⁰⁰

As a delegate to all four conventions from Sacramento, Barbadoes drew up many resolutions and solicited many signatures for petitions presented to the legislature.

William H. Yates, born in Washington, D.C. in 1816, was a slave who eventually managed to buy his freedom. He established a stable in Washington and later

⁴⁹⁹ Ezra R. Johnson, "Emancipation Oration," 12.

⁵⁰⁰ Montesano, "Some Aspect of the Free Negro Question," 15.

participated in the Underground Railroad. In Washington, he also managed a Negro Literary and Debating Society. In California, where he arrived in the early 1850s, Yates participated in the Colored Conventions. During the first convention, he acted as President and made clear his belief in civil rights:

We ask for no social concessions or privileges, but say 'hands off,' and do not depress us; we only desire a removal of a special grievance. ... this Convention has accomplished much good, for it has awakened an interest in the minds of all, and much good must eventually grow out of it.⁵⁰¹

He was especially involved in the State Executive Committee regarding the elective franchise.

Jonas H. Townsend, New Yorker and journalist, arrived in California in 1849. Townsend was deeply involved in the Black community struggle for testimony rights in court and was one of the founders of the Atheneum. As a delegate to the Colored Conventions he was involved in many committees and was a member of the State Executive Committee. In 1856 Townsend, with William H. Newby and Mifflin W. Gibbs, published the *Mirror of the Times*.

Between 1857 and 1865 no Colored Conventions were held because many leaders left the state after the 1857 Dred Scott decision of the Supreme Court. The smaller community that was left behind was distracted by disunity and had to reorganize and establish new leadership. By 1862 with the arrival of Philip A. Bell, new life and new

⁵⁰¹ Montesano, "Some Aspect of the Free Negro Question," 21.

agitation brought forth a “new” leadership, which emerged fully during the second half of the 1860s.

The Black Press as a Political Community Organizer

The *Pacific Appeal*, founded by Philip A. Bell and Peter Anderson in 1862, followed a long tradition of journalistic activism. Both journalists used their newspaper as a tool to build a constituency. Bell had come from New York in the 1860s ready to fight aggressively. Bell and Anderson published the *Pacific Appeal* together but they did not get along very well personally. Their partnership dissolved at the end of 1862 and Bell established a new newspaper, *The Elevator*, in San Francisco. For years their personality conflict reflected the growing split in the African American community. As small as the community was, two distinct factions evolved. Followers of Anderson and the *Pacific Appeal* were considered more politic since they favored a modest and accommodating way into mainstream society. Bell and followers of *The Elevator*, on the other hand, had waited too long for the civil rights that were their birthright.

However, in his own way Bell was also a politician. He used what was called, in the civil rights movement of a century later, the tactic of direct action.⁵⁰² Bell was born in 1809 in New York and educated in the New Yorker African Free School. Thereafter, he attended the Classical Academy of John E. Tompkins on Broadway Avenue in New York.⁵⁰³ Among his classmates were the actor Ira Aldridge and the abolitionists

⁵⁰² Direct actions are intended to end in immediate results. Boycotts, strikes, protests are examples of direct action.

⁵⁰³ *The Elevator*, 20 September 1867.

Alexander Crummell, Henry Highland Garnet, and Samuel Ringgold Ward.⁵⁰⁴ After graduation from the academy, Bell became involved in community activities.⁵⁰⁵ He attended the first National Black Convention from 20 September to 24 September 1830 in Philadelphia when he interacted with men and women, "all of whom were among the leading abolitionists of the day."⁵⁰⁶

In 1837, twenty-eight-year-old Bell established the New York *Weekly Advocate*, which was later called the New York *Colored American*. In the first issue of his paper Bell set the distinct tone and point of view that he would carry to San Francisco.⁵⁰⁷ In New York, Bell also provided information and served as an employment counselor for run-away slaves. Later in his career, he was an agent for a number of newspapers: The Boston *Liberator*, New Yorker *Anglo-African*, and the Philadelphia *Elevator*.⁵⁰⁸ As a newspaperman, Philip A. Bell was associated with James McCune Smith, Frederick Douglass, and Martin R. Delany and the three men's ideologies, political actions, self-

⁵⁰⁴ Taylor, *Search of the Racial Frontier*, 8-9.

⁵⁰⁵ Boston *Liberator*, 12 February 1831, quoted in Aptheker, *Documentary History of the Negro People*, 1:109.

⁵⁰⁶ Bella Gross, "The First National Negro Convention," *Journal of Negro History* 31, no. 4 (October 1946): 435.

⁵⁰⁷ *The Weekly Advocate* (NYC) 21 January 1837 as quoted in Howard H. Bell, "Expressions of Negro Militancy in the North, 1840-1860," *Journal of Negro History* 45, no. 11 (January 1960): 1.

⁵⁰⁸ Roi Ottley and William Weatherby, "The Negro in New York," in *New York Directory 1836-54* (New York: 1967), 84.

help and community actions had great influence on him. Such was Bell's cultural and ideological baggage when he arrived in San Francisco.

When Bell arrived in California in May of 1860, he began to support petitions of the community and got involved in the State Conventions of Colored Citizens. He was involved in petitions for voting rights and the repeal of other discriminatory legislation.⁵⁰⁹

In one of his editorials Bell stated:

We have a year before us in which to work for the obtainment of our rights at the hand of the next Legislature. We failed this year from want of time, and from the lack of unity of action among ourselves. We should not have so many different plans of action, but we should work in harmony together, each one, if necessary yielding somewhat of his own opinion for the sake of uniting on some general measure.⁵¹⁰

In editorials of *The Elevator*, Bell pushed, pressed, and agitated the community to demand civil rights. But when in the second half of the 1860s the issue of equal education for African American children came to the forefront, Bell advocated direct action.

At first he used editorial criticism to try to convince San Francisco's school board to follow better policies toward the "colored schools." When this failed, he urged the

⁵⁰⁹ Beasley, *Negro Trail Blazers*, 54-56; Eugene H. Berwanger, *The Frontier against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967), 73-76; Rudolph M. Lapp, "Negro Rights Activities in Gold Rush California," *California Historical Society Quarterly* 45 (March 1966): 12-13.

⁵¹⁰ Philip M. Montesano, "San Francisco Black Churches in the Early 1860s: Political Pressure Group," *California Historical Society Quarterly* 52 (summer, 1973): 147.

community to boycott the inferior school facilities that their offspring attended.⁵¹¹ In 1867 William H. Hall, chairman of the 1865 Colored State Convention, appeared before the city's Board of Education after the closing of the Broadway "colored school." He explained that the Black community did not object to having the school moved; however, the community did object to inferior facilities, no matter where the board decided to locate the school.⁵¹² Bell called community meetings and in his editorials he demanded direct actions from the community. Philip A. Bell was a good politician who served his community well. His actions, though different from those of earlier leaders, were appropriate for the times.

State Convention of Colored Citizens of the State of California, 1865

Other Black community leaders who were delegates to the 1865 convention included William H. Hall, J. J. Moore, Philip A. Bell, T. M. D. Ward, and Peter Anderson. Although the main issue of the Convention was to organize and strategize to gain voting rights, equal education under the law was given equal time during the convention.

In the 1860s African American political leaders began to use the same tactics in California as in Massachusetts decades earlier. They secured the support of non-Black abolitionists and some non-Black philanthropists to present petitions and introduce bills

⁵¹¹ Philip M. Montesano, "Philip Alexander Bell: San Francisco Black Community Politician of the 1860s," Bancroft Library, University of California, Berkeley.

⁵¹² Montesano, "Philip Alexander Bell: San Francisco Black Community Politician of the 1860s."

or made recommendations to the state legislature for appropriations of equal public monies and admittance into California's public schools.⁵¹³ Although African Americans lacked political and social equality during the 1850s and 1860s, Black leaders were committed to the education and cultural advancement of their community. They campaigned and petitioned constantly for equal treatment under the law.⁵¹⁴

A resolution that was introduced and passed concerning equal education during the 1865 convention read as follows:

It was obvious, [William H. Hall] said, to every intelligent mind that we required greater educational advantages, the law at present only allowing schools where there are ten children, with discretionary power on the part of the Commissioners to establish schools for a lesser number. The law should be amended so as to give to every child the privileges of education. If they were not to have a separate school, let them be admitted to those already established. As a law-abiding and tax-paying class we are entitled to greater advantages in this respect than we now enjoy, and which it is unfair to deprive us of.—The first resolution was adopted.⁵¹⁵

Mr. Ruggles addressed the convention and gave an account about his time as a slave. He learned to read and write from a visiting English man, who was warned by Ruggles's former master that it was against the law to educate a slave. The teaching stopped, but Ruggles had learned enough to teach himself to read and write better.⁵¹⁶ He

⁵¹³ Litwack, *North of Slavery*, 121.

⁵¹⁴ Starr and Orsi, *Rooted in Barbarous Soil*, 236.

⁵¹⁵ Foner and Walker, *Proceedings of the Black State Conventions*, 173.

⁵¹⁶ Foner and Walker, *Proceedings of the Black State Conventions*, 174.

therefore urged mothers and guardians to educate their children at home, if they were not in school.

At the end of the convention, the delegates passed the following resolution:

9.—That we recommend our brethren to aim at the same high order of education developed among the white race, and to make such persistent claims on the public educational provisions, and to establish such institutions, where necessary and practicable, as will insure to us and our children that desirable condition.⁵¹⁷

Black Churches and Leadership

The Black churches played a significant role in the fight for change in California. Ministers opened their churches for political meetings, provided leadership and education. To raise money to support church activities, Sabbath Schools, and “colored schools,” the churches sponsored festivities, concerts, recitals by Sabbath School children, and evening lectures.⁵¹⁸

In the 1860s San Francisco had three Black churches. They were located in the area around Washington Street and Larkin Street. Around these three churches the Black community centered its activities. Here African Americans found outspoken clergy and laymen fighting for their rights. Unexpected help was received in the early decade of the 1860s from the Unitarian Reverend Thomas Starr King. King’s enthusiasm, energy, and belief in the abolition of slavery inspired pastors John J. Moore and Thomas M. D.

⁵¹⁷ Foner and Walker, *Proceedings of the Black State Conventions*, 175-76.

⁵¹⁸ Montesano, “San Francisco Black Churches in the Early 1860s,” 145; J. B. Sanderson, “Sanderson Papers,” Bancroft Library, University of California, Berkeley.

Ward.⁵¹⁹ Another Black leader who emerged out of the churches in early California was Jeremiah B. Sanderson who focused on the education of Black children.⁵²⁰

Sanderson was a religious leader and a teacher; however, his teaching activities must have been more important to Sanderson. During his time in Sacramento he joined the African Methodist Episcopal Church under Thomas Ward. In 1857 he completed his training and moved to San Francisco to take over the Scott Street Church. For two years Sanderson worked as a pastor, but then his love for teaching took over. J. J. Moore, the teacher of the "colored school," left San Francisco in 1858 for British Columbia and Sanderson gladly accepted the teaching position.⁵²¹

After having established "colored schools" in Sacramento and San Francisco, Sanderson moved in 1868 to Stockton to establish a "colored school" in that community. In Stockton, Sanderson gained a reputation as the "greatest Negro teacher in the West."⁵²² In May 1868 Sanderson wrote to his wife Kate in New Bedford, Massachusetts, about the opening day of the school:

According to the arrangements of the Board of Education of Stockton, the school was opened on Monday A. M. last, April 27th, and in the afternoon of the same day, we had the dedicatory exercises to come off ... I wrote letters of invitation to the Board of Education, to the several clergymen of the city, to the Editor of the Stockton Independent, to the County Superintendent of

⁵¹⁹ Montesano, "San Francisco Black Churches in the Early 1860s," 146-47.

⁵²⁰ Starr and Orsi, *Rooted in Barbarous Soil*, 236.

⁵²¹ Montesano, "Some Aspect of the Free Negro Question in San Francisco," 52.

⁵²² Lapp, "Jeremiah B. Sanderson," 330.

Schools, and to the Captain C. M. Weber, the donor of the ground upon which the school stands. I also gave a general invitation to parents and guardians of the children and friends of the school, at the same time requesting them to prepare a table of refreshments, as was done at the opening of the Broadway Colored School in San Francisco ... The ladies had prepared a bountiful supply of refreshments. Two tables were covered with cakes, pies, confectionery and flowers. The school room 23x24 was filled by the company. It was pleasant to be with them ...⁵²³

Sanderson was also a delegate to the first three State Conventions for Colored Citizens of the State of California. Although he said little, he acted as secretary of the conventions.

J. B. Sanderson spread education all over Northern California. Wherever he went, he established a school. Sacramento, San Francisco, and Stockton built new schoolhouses for African American students during his time of teaching in these schools. He called community meetings to discuss school problems and educational needs. He drew up and presented petitions to the school boards for better treatment and support of the "colored schools."⁵²⁴

Even though Sanderson's love was education, he never gave up his role in the Black church. Education and the church, as stated before, could not necessarily be separated. Sanderson was involved in the church in New Bedford, Sacramento, San Francisco, Stockton, as well as in Oakland.

⁵²³ Thurman, *Pioneers of Negro Origin*, 40; also see Ferrier, *Ninety Years of Education in California*, 101.

⁵²⁴ Montesano, "Some Aspect of the Free Negro Question in San Francisco," 52.

John J. Moore and Thomas M. D. Ward were active in California's civil and social affairs pertaining the African American fight for civil rights as well. Moore worked as a teacher for the "colored school" in San Francisco, while Ward wrote numerous articles on social and religious themes for the *Pacific Appeal*. Ward also worked closely with other Black leaders to obtain citizenship rights and voting rights.⁵²⁵

In 1863 Ward called for an A.M.E. Church Convention to discuss the state of the church in California. During the convention, however, the delegates also discussed political and educational developments. In the State Convention of Colored Citizens of the State of California in 1865, Ward participated in the Educational and the Industrial Pursuits Committees. J. J. Moore and T. M. D. Ward,⁵²⁶ religious and social leaders of the community, inspired their congregations, gave active support to gain equality under the law, and provided education for the community's children.⁵²⁷

The Leadership of the African American Women

African American women in the 1860s played a significant role as leaders of the community. They valued education as a tool for personal uplift and gaining community privileges. The men of the community prepared petitions demanding equal education, negotiated with school boards, established schools and taught. Women, however, had

⁵²⁵ Montesano, "Some Aspect of the Free Negro Question in San Francisco," 59.

⁵²⁶ T.M.D. Ward was born in Hanover, Pennsylvania, and by 1846 was associated with the New England Conference. See Daniels, *Pioneer Urbanites*, 113.

⁵²⁷ Montesano, "Some Aspect of the Free Negro Question in San Francisco," 60-62.

their own political circle. They established networks among friends, neighbors, kinship and friends. These networks often were based in the Black churches.⁵²⁸

Black women established fundraising events to support schools in San Francisco and Sacramento. They held festivals in unison with the Black churches. During the 1860s African American women took on more public roles concerning education. Their first community activism was to establish Sabbath Schools in the churches, where women taught children the importance of “religious and moral values using the family [as] model” and provided supplementary education to public education. These schools frequently organized picnics or festivals, and female teachers would give an account about the festivities in the local newspaper. Racial pride and cultural values based on education and community activities were instilled in the attending children, as well as in the community.⁵²⁹

African American women kept the issue of education alive in the community. When the leaders of the community neglected education in favor of gaining the right to testimony or voting rights, women published articles in the *Pacific Appeal* and *The Elevator*. Women also advertised community events and fundraisers in Black newspapers to attract visitors and to gain more financial support.⁵³⁰

⁵²⁸ Quintard Taylor and Shirley Ann Wilson Moore, eds., *African American Women Confront the West, 1600-2000* (Norman: University of Oklahoma Press, 2003), 98.

⁵²⁹ Taylor and Moore, *African American Women Confront the West*, 105-06.

⁵³⁰ Taylor and Moore, *African American Women Confront the West*, 106-07.

In the 1860s more girls than boys were enrolled in schools. A school education opened for young women the door into teaching positions. In 1866 after receiving applications from three Black female graduates of the "colored school," the Sacramento City School Board hired Anna Yantes, a former slave and a graduate of the "colored school" as an assistant teacher. Such teachers took over leadership roles and were role models for other girls to follow. After 1866, female teachers attended educational conventions where they learned to become politicians in their own right. Women also began to attend political conventions, not as delegates, but as observers.⁵³¹

DEMOCRATIC POLITICAL INTERLUDE, 1867-1871

In the 1867 California state election, the united Democratic Party defeated the Republican Party and took over California's government for the next four years. In their campaign they targeted Irish voters by stating that under the Republicans African Americans would gain suffrage. The ideology of the Democrats after the defeat in the Civil War had not changed much.⁵³² During the 1850s they had enacted legislation that kept African Americans without educational and other civil rights. During their four-year reign from 1867 to 1871 they tried to reverse the positive gains that African Americans and Black Republicans had made during the Civil War years.

As a result of the 1866 election, California had a "Democratic assembly, a Union majority of only two votes in the senate, a supreme court two-fifths Democratic, and a

⁵³¹ Taylor and Moore, *African American Women Confront the West*, 104-05.

⁵³² Chandler, "Friends in Time of Need," 335.

Democratic municipal government in San Francisco.”⁵³³ Governor Henry H. Haight promised to “overthrow” the “Radicalism” that had taken over California. The Republican Party, however, stayed truthful to its philosophy and promoted equality under the law. The Union-dominated Senate in California ratified the Fourteenth Amendment in early 1868 granting African Americans citizenship; however, the Democratic Assembly rejected the amendment.⁵³⁴ Despite California’s failure to ratify the Fourteenth Amendment, African Americans gained citizenship in California because the amendment was ratified nationally.

The Fifteenth Amendment, which gave African Americans the right to vote in 1870, was also not ratified by California. The Democratic legislature was not ready to give non-Whites the right to vote. The votes in the state’s Assembly and Senate against the Fifteenth Amendment were 51 to 8 and 23 to 8. However, what was true for the Fourteenth Amendment was also true for the Fifteenth Amendment; enough states approved the amendment and it was added to the Constitution on 30 March 1870.⁵³⁵

School Legislation under O. P. Fitzgerald

John Swett in 1867 lost his position as State Superintendent of Public Instruction to a sympathizer of the Southern mentality, Reverend O. P. Fitzgerald.⁵³⁶ O. P.

⁵³³ Chandler, “Friends in Time of Need,” 338.

⁵³⁴ Chandler, “Friends in Time of Need,” 338-39.

⁵³⁵ Chandler, “Friends in Time of Need,” 339.

⁵³⁶ Swett had defeated Fitzgerald in the 1863 election. Starr and Orsi, *Rooted in Barbarous Soil*, 239-40.

Fitzgerald, a Methodist minister and a former teacher, was "willing to give not only his name, but his life and services to the Democratic faith."⁵³⁷ After the election, the Democrats expected Fitzgerald to fire *abolitionist* teachers and throw out *abolitionist* literature.⁵³⁸ Born and raised in rural North Carolina, Fitzgerald fought an aggressive campaign in 1867 stating that Swett's "liberalism would bring students of different races into the same classroom, and [he decried] the erosion of Christian moral instruction in public schools."⁵³⁹

The Democratic Party did not wait long to influence school legislation. By 1870 the Democratic legislature had reversed the movement toward school integration made by Swett.⁵⁴⁰ The School Law of 1866 was changed in 1870 to the following:

The education of children of African descent and Indian children shall be provided for in separate schools. Upon the written application of the parents or guardians of at least ten such children to any board of trustees or board of education, a separate school shall be established for the education of such children; and the

⁵³⁷ Chandler, "The Press and Civil Liberties in California During the Civil War," 176.

⁵³⁸ Even though the Civil War was over, the anger of the Democrats over the abolition of slavery would not cease easily. Still enraged about the liberal school legislation of the Republican Party, the Democratic Party was to cleanse out the schools from liberals and abolitionists in 1867. The *Visalia Expositor* stated, Fitzgerald would "purge the schools" of "abolitionist books" and "teachers." Quoted in Chandler, "The Press and Civil Liberties in California During the Civil War," 176.

⁵³⁹ James, "State Politics and Educational Leadership in California," 23.

⁵⁴⁰ Chandler, "Friends in Time of Need," 340; Hendrick, *Education of Non-Whites*, 17.

education of a less number may be provided for in separate schools or in any other manner.⁵⁴¹

At this point school integration seemed even further away than in 1863. However, the growing activism and political power of African Americans in California after the enactment of the Fourteenth and Fifteenth Amendments led to changes in 1871.

African Americans Walk the Last Mile

When in 1870 African Americans gained the right to vote for California Blacks, the last hurdle was passed for gaining civil rights. What was left was to end school segregation. No longer would they accept unequal facilities and opportunity for their children. With agitation for integration in the public school system came a demand for equal funding. The School Law of 1871 provided for separate schools in school districts with at least ten or more Black school-age children and for the admission of these children to White schools if they were fewer than ten and *if the local whites had no objection*. Consequently, in many rural areas Black children were left with no schools. In 1871 the African American community called an "Educational Convention" in Stockton to fight the last major inequality under the law. J. B. Sanderson and others organized the convention and he was elected vice-president.⁵⁴² Peter Anderson wrote in an editorial of the *Pacific Appeal*, "the proper education of our children is paramount to all other considerations." The convention delegates were not successful that year, so the

⁵⁴¹ Ferrier, *Ninety Years of Education in California*, 99.

⁵⁴² Lapp, "Jeremiah B. Sanderson," 331.

1873 California Colored State Convention passed several resolutions denouncing segregated schools.⁵⁴³

The decade of the 1860s saw many changes. In only five years African Americans gained more civil rights than ever before. In California they approached equality; at least for the time being. Members of the Republican Party, raised and influenced by the philosophy and ideology of the New England States, joined with African American activists from the Northeastern states to bring the Democratic Party down. This opening brought some positive changes for the African Americans. However, six years of a Republican legislature was too short to remedy completely fourteen years of Democratic prejudice and racist legislation. Nevertheless, in the first half of the 1870s with Republicans once again in power, New England's ideology prevailed and African Americans desegregated the public school system in California, as they had decades before in Massachusetts, with the help of the Supreme Court.

⁵⁴³ Broussard, *Black San Francisco*, 18.

CONCLUSION: THE CRUMBLING OF "SEPARATE BUT UNEQUAL" SCHOOLS, 1871-1875

By the end of 1871 organized opposition in the African American community to the segregated public school system was strong. Provided with the right to sue in the courts against White persons, and with voting and political power, African Americans could no longer be ignored by the California legislature.⁵⁴⁴ Still, voting power did not fully open the doors into mainstream society, nor into public schools for that matter.

The 1871 state elections brought the Republican Party back into power with Newton Booth as governor. Booth was born in 1825 in Indiana. His parents were Quakers; his father was born in Connecticut, his mother in North Carolina. In 1850 Booth came to California via New York and Panama on the same ship that carried California's admission papers to the Union. Booth supported equal education for all, but opposed compulsory education. In his Inaugural Address on 8 December 1871 he remarked on "compulsory education" and "the right to education independent of color":

Free Schools and Compulsory Education.

The American system of free schools is one of the most beneficent outgrowths of our history. ... The right of every child to an elementary education is as sacred as his right to air and light; to deprive him of it is to deprive him of the sixth sense of civilization, and in the future will remand him to a pariah caste. Public

⁵⁴⁴ Litwack, *North of Slavery*, 104; Herbert Aptheker, ed., *A Documentary History of the Negro People in the United States*, 2nd edition ed., 6 vols., vol. II (New York: Citadel Press, 1966), 606-10.

sentiment in this State in favor of 'compulsory education' is general, and not partisan. It does not propose to interfere with the right of the parent to select a school for his children or to educate them at home, but to enforce the right of the child as a member of society which he himself is powerless to do.⁵⁴⁵

The Right to Education independent of color.

The amendments to the Federal Constitution which made the rights of citizens independent of color have been so generally acquiesced in that it is a part of the political creed of both the great national parties to leave them undisturbed. ... the injustice of compelling any parent, under penalty, to educate his children, and denying him an equal opportunity with all others to do so, while taxing him for the support of schools whose doors are closed in his face, is too gross and palpable to be allowed. No republican State can afford to violate the fundamental law of justice by making arbitrary distinctions among its citizens, or to dishonor any one for an accident of birth who may be called upon to peril his life for his country. Whoever is clothed with the dignity of American citizenship should be able to stand erect in the consciousness that he is the equal before the law with every other citizen—that the Republic which claims his allegiance knows neither high nor low, nor rich nor poor, but recognizes all citizens as 'peers of the realm.' ... The doors of our schools should be open to all, with no prejudice of caste without and no sectarian teaching within, which will prevent any child from freely entering.⁵⁴⁶

Thus, African Americans knew what to expect from this governor in relation to education. When Booth took office, the Democratic Party controlled the Senate, but the Republican Party controlled the Assembly. This could have been a problem, but over the

⁵⁴⁵ *The Journal of the Assembly During the Nineteenth Session of the Legislature of the State of California, 1871-72* (Sacramento: T. A. Springer, State Printer, 1872), 125-26.

⁵⁴⁶ *The Journal of the Assembly During the Nineteenth Session of the Legislature of the State of California, 1871-72*, 126.

next four years issues between the Senate and the Assembly were settled in joint conventions.⁵⁴⁷

In 1872 Californians elected Republican Henry N. Bolander to replace O. P. Fitzgerald as State Superintendent for Public Instruction. Bolander was born in Germany and emigrated to Ohio at age fifteen. In his *Fifth Biennial Report, 1872-73* Bolander remarked; "...it is not only the privilege, but the duty of the State, to compel every parent to bestow upon his children at least the education which the State places within his reach."⁵⁴⁸ Bolander favored compulsory education and he appreciated the racial openness of school education in the New England states. "... California must take her stand with Massachusetts, Connecticut, Maryland, Michigan, New Hampshire, Rhode Island, Nevada, and other States, and by law enforce the education of her children."⁵⁴⁹

As the nation went through the period of Reconstruction (1869-1877), in the Southern states some African Americans were elected to the national Congress. The issue of education occupied Congress as well as the California legislature, especially during the 1874 session. On 10 January 1874 Richard Harvey Cain of South Carolina appealed to Congress to pass the Civil Rights Act, which was signed into law in 1875. One issue he discussed was education.

⁵⁴⁷ Melendy and Gilbert, *Governors of California*, 157-66.

⁵⁴⁸ Swett, *History of the Public School System of California*, 63.

⁵⁴⁹ *Biennial Report of the Superintendent of Public Instruction of the State of California for the School Year 1872 and 1873* (Sacramento: T. A. Springer, State Printer, 1873), 23.

A word now as to the question of education. Sir, I know that, indeed, some of our Republican friends are even a little weak on the school clause of this bill;⁵⁵⁰ but, sir, the education of the race, the education of the nation, is paramount to all other considerations. Sir, if you look over the reports of superintendents of schools in the several States, you will find, I think, evidences sufficient to warrant Congress in passing, the civil-rights bill as it now stand. The report of the commissioner of education of California shows that, under the operation of law and of prejudice, the colored children of that State are practically excluded from schooling. Here is a case where a large class of children are growing up in our midst in a State of ignorance and semi-barbarism.⁵⁵¹

During the 1870s African American males made their political mark in California's Republican party. Black politicians were invited as delegates to State Republican Conventions. J. B. Sanderson, for instance, was a delegate to the San Joaquin County Convention in 1873 and elected by acclamation as a delegate to the Republican State Judicial Convention.⁵⁵² Slowly but steadily Black community leaders became important political spokesmen for the Black community.

Black women also began to enter the political arena as reform activists. Shortly after the passage of the Fifteenth Amendment the women in the Black community in San Francisco passed out petitions demanding that the city school board open all public schools to their children. San Francisco's Board of Education, however, held on to their

⁵⁵⁰ According to Aptheker, the clause that made Jim Crow segregation in education illegal was eliminated from the signed Civil Rights Act of 1875. Aptheker, *Documentary History of the Negro People*, 2:609.

⁵⁵¹ Aptheker, *A Documentary History of the Negro People*, 2:606-10.

⁵⁵² Lapp: "Jeremiah B. Sanderson," 331.

segregated “colored school.” Shirley Ann Wilson Moore stated in *African American Women Confront the West, 1600-2000* that “[w]omen’s efforts to support education reform became even more crucial when white lawmakers refused to desegregate California schools in 1871 and 1872.”⁵⁵³

At the Colored Educational Convention of 1871 in Stockton the issue no longer was the establishment of “colored schools,” but integration into mainstream public schools. The convention petitioned the legislature to desegregate all public schools. The *Pacific Appeal* published on 25 November 1871 a long account of the convention’s appeals for equal education. “We would rather that the State Legislature would make the remedy, than be compelled to seek it through the courts under the Civil Rights bill.”⁵⁵⁴

In 1872 Senator S. J. Finney of San Mateo County, a friend of the African American community, introduced an amendment and supplementary act in the Senate and the Assembly entitled “An Act to amend an act to provide a system of common schools.”⁵⁵⁵ The act read as follows:

The People of the State of California, represented in Senate and Assembly, do enact as follow:

SECTION 1. Section fifty-three of an Act entitled ‘an Act to amend an Act to provide a system of common schools,’ approved April 4th, 1870, is hereby amended so as to read as follows:

Section 53: Every public school shall be open to the admission of all children between five and twenty-one years of age residing in that school district; and the Board of Trustees or Board of

⁵⁵³ Taylor and Moore, *African American Women Confront the West*, 107-09.

⁵⁵⁴ *The Pacific Appeal*, 25 November 1871.

⁵⁵⁵ The act was approved on 4 April 1870. *The Pacific Appeal*, 27 January 1872.

Education shall have power to admit adults and children not residing in the district, whenever good reasons exist for such exception.

Sec. 2 Section fifty-six and section fifty-seven of the aforesaid Act are hereby repealed.

Sec. 3. This Act shall be in force from and after passage.

We regard the bill as being reasonable, just and proper, and in full harmony with the National reconstruction measures, the Fourteenth and Fifteenth Amendments, and the Civil Rights Bill.⁵⁵⁶

The act passed the Assembly, but not the Senate. A counter bill delayed the decision process in Senate until 1872. "Some were foolish or short-sighted enough to believe that two or three Democratic Senators would vote with the Republican Senators on Mr. Finney's bill in its original form, and as first introduced into Senate," wrote Bell in his editorial.⁵⁵⁷

In March 1872 W. R. Wheaton introduced in the Assembly a bill on "Colored Races in Schools." This bill amended Senator Finney's bill on the common school law "relative to the attendance of colored races in schools" – Section 56. The amendment provided "that a majority of the school districts shall decide the status and privileges of colored races in ano [sic] school in question."⁵⁵⁸ This amendment, according to Bell, was "a concession to the Senate when the bill reaches that body, so that they may have no

⁵⁵⁶ *The Pacific Appeal*, 27 January 1872.

⁵⁵⁷ *The Pacific Appeal*, 9 March 1872. Mr. Larkin had introduced a counter bill that would reaffirm the 1870s school law and gained a 22 to 13 majority: Senator Crane, DeHaven, Duffy, Evans, Finney, Garratt, Goodale, Kent, McKusick, Oulton, Tompkins, Turner and Wing voted for Finney's educational bill. *The Pacific Appeal*, 24 January 1872; Appendix E.

⁵⁵⁸ *The Pacific Appeal*, 23 March 1872.

excuse that the Republicans were too ultra in their ideas.”⁵⁵⁹ On 9 March 1872 the *Pacific Appeal* wrote under the heading “Our Only Hope – Mr. Wheaton’s School Bill” that if the Senate strictly voted on the party line, the bill had no more than eighteen votes, and that was not a majority. Bell said that only in New England or New York could it be expected that a Democrat would vote for equality.⁵⁶⁰ However, the bill passed in the Assembly 36 to 33.⁵⁶¹ The result was the School Law of 1872, which was basically an affirmation of the laws of 1866.⁵⁶² At that point the Executive Committee for Education of the Colored State Conventions left it to the courts to decide civil rights.⁵⁶³

Some school districts, however, began to integrate the public schools. In 1871 the Oakland school district closed its “colored school.” Many Black families had left Oakland and moved to the backcountry, which left the school district with fewer than ten eligible Black school-age children. When their parents began to apply for admittance in the public schools, the school board had to make a decision. “With a choice between desegregation, a separate school for only a few Negro children, or a total denial of educational opportunity, Oakland officials stumbled into the last choice before reversing

⁵⁵⁹ *The Pacific Appeal*, 23 March 1872.

⁵⁶⁰ *The Pacific Appeal*, 9 March 1872.

⁵⁶¹ *The Pacific Appeal*, 23 March 1872.

⁵⁶² Hendrick, *Education of Non-Whites*, 24; Swett, *History of the Public School System of California*, 63.

⁵⁶³ Lapp, “Afro-Americans in California,” 19-20.

themselves and accepting the first.”⁵⁶⁴ On 27 January 1872 the *Pacific Appeal* gave an account of the resolutions passed in Oakland:

Resolved, That from and after this date, the public schools of Oakland shall be open alike for the admission of all children between the ages of six and twenty-one years, resident of the city and citizens of the State, as defined in the 14th article of the constitution of the United States, without reference to race, color, or former condition.

Section 97, article 11 changed to:

... relating to the establishment of separate schools for the education of children of African, Mongolian and Indian descent be, and is hereby repealed.⁵⁶⁵

In 1872, school laws took a positive turn towards integration. They no longer said that school districts “shall” provide for the education of Black youth, but they “must” provide educational facilities. The laws granted African American children full equal rights to education, but did not end segregation. The law was amended as follows:

Sect. 1669. The education of children of African descent and Indian children must be provided for in separate schools; provided, that if the directors or trustees fail to provide such separate schools, then such children must be admitted into the schools for white children.⁵⁶⁶

⁵⁶⁴ Ferrier, *Ninety Years of Education in California*, 102; Hendrick, *Education of Non-Whites*, 23.

⁵⁶⁵ *The Pacific Appeal*, 27 January 1872.

⁵⁶⁶ Ferrier, *Ninety Years of Education in California*, 99.

Philip A. Bell published editorial after editorial to keep the pressure on the legislature. On 27 January 1872 he reminded the Republicans: "Whatsoever ye would that men should do to you, do ye even so to them."⁵⁶⁷

Political agitation came from all sides of the Black community,⁵⁶⁸ especially targeting the "colored schools" in San Francisco. Parents no longer supported the segregated school financially or by sending their children.⁵⁶⁹ Meanwhile, public schools in rural and small towns with only a very few African American students opened up their schools to Black students.⁵⁷⁰ Although Oakland quietly integrated its public schools in January of 1872, San Francisco's schools were still segregated. Many African Americans, originally from Massachusetts, remembered the court case of *Roberts v. The City of Boston*, which had desegregated Boston's schools.⁵⁷¹ Perhaps court action against San Francisco could have the same result.

The Black communities of Sacramento and San Francisco held fundraisers to raise the money for the court fees and retained a prominent White attorney, John W. Dwinelle. In early July 1872 Black parents began to apply for the admittance of their

⁵⁶⁷ *The Pacific Appeal*, 27 January 1872.

⁵⁶⁸ Hendrick, *Education of Non-Whites*, 24; *The Elevator*, 11 May 1872.

⁵⁶⁹ Hendrick, *Education of Non-Whites*, 19.

⁵⁷⁰ Lapp, "Afro-Americans in California," 22; *The Elevator*, 25 April 1874; *Sacramento Weekly Record*, 26 December 1874.

⁵⁷¹ John W. Dwinelle, "Supreme Court of California, Argument of Mr. John W. Dwinelle on the Right of Colored Children to Be Admitted to the Public Schools, 1874" (North Baker Library, California Historical Society, San Francisco), 16.

children into the public schools closest to their San Francisco residences. Dwinelle decided later that year which family would be his test case. He chose Harriet A. Ward, who had tried to enroll her daughter Mary Frances Ward into the Broadway Grammar School and was rejected by Principal Noah Flood.⁵⁷² On 24 September 1872 Dwinelle brought the case before the Supreme Court of California. He argued that Principal Flood had “violated Mary Ward’s rights under the Thirteenth and Fourteenth Amendment to the Federal Constitution by denying her admission to the school nearest her home.”⁵⁷³

Dwinelle made the following point:

Those colored children of African descent, who are citizens, have the right to be admitted into ALL the public schools of the state, and cannot be compelled to resort to SEPARATE SCHOOLS FOR COLORED CHILDREN.⁵⁷⁴

After citing the pertinent section of the 1870s California School Laws, Dwinelle cited a long list of court cases in the states of Michigan, Ohio, and Massachusetts which had desegregated their public schools based on the children’s rights to attend ANY school to gain an education.⁵⁷⁵

⁵⁷² Hendrick, *Education of Non-Whites*, 24; Lapp, “Afro-Americans in California,” 20. According to Lapp, Dwinelle was a sympathizer for the Black cause.

⁵⁷³ Hendrick, *Education of Non-Whites*, 24.

⁵⁷⁴ Dwinelle, “Supreme Court of California,” 3; “Ward v Flood,” in California, Supreme Court, *Reports of Cases determined in the Supreme Court of the State of California*, Vol. 48. 220 vols. (San Francisco: Bancroft-Whitney, 1906), 36-57.

⁵⁷⁵ Dwinelle, “Supreme Court of California,” 5-25.

The Black community did not wait for the Supreme Court to decide on the *Ward v. Flood* case, but pressured the legislature to end segregation.⁵⁷⁶ The *Pacific Appeal* published the entire hearing of the *Ward v. Flood* case.⁵⁷⁷ This allowed subscribers in the Black community to follow the case closely.

While the court took its time to decide on the *Ward* case, Sacramento's African American parents also applied for admittance of their children to White public schools. On 16 June 1872 the *Pacific Appeal* reported the results of the school examination of children in Sacramento's *Ungraded school*. Two Black children received diplomas for excellency: Ernest Smalls and Julia Owens, both thirteen years old. Bell stated further that Ernest Smalls had completed his studies in the Intermediate Department successfully and that would permit him to attend the Grammar Department of the "colored school" in Sacramento. But the "colored school" had no Grammar Department and Ernest was, by state law, not allowed to attend the White Grammar School. The outspoken Bell declared that a diploma should entitle the young man for entrance in the White School; otherwise, what was the Diploma worth?⁵⁷⁸

Also in 1873, two Black girls applied for admission into the White Grammar School and one Black student applied for admission into the Night School. The school board discussed the applications at length; for economic reasons the students were

⁵⁷⁶ Hendrick, *Education of Non-Whites*, 25.

⁵⁷⁷ *The Pacific Appeal*, ? September 1872. (Publication date was illegible.)

⁵⁷⁸ *The Pacific Appeal*, 16 June 1872.

admitted.⁵⁷⁹ In early 1874 a new city superintendent and two new school directors were elected into office; all three were Democrats. Only a few days after taking office Superintendent Hinkson⁵⁸⁰ wrote an order to Principal Mc Donald of the grammar schools:

You are hereby instructed to admit no children of African descent or Indian children into your school, and if any make application for admission, direct them to the superintendent, who will issue permits for their admission into the schools provided for them by law.⁵⁸¹

This order was the reaction to applications by two African American girls to attend one of the grammar schools. The principal refused to follow Hinkson's order, admitted the two girls, and was promptly fired, but later reinstated. A power struggle between Hinkson and the school board began, which ended with an amendment to the city school law. Segregated schools were constitutional, but not economically feasible for the city; therefore, Black children were permitted to attend White public schools.⁵⁸²

Dwinelle was optimistic that the State Supreme Court would decide in his client's favor in the San Francisco case; he was wrong. In 1874 the California Supreme Court decided that there was nothing wrong with the existing school laws. Chief Justice Wallace declared:

⁵⁷⁹ William L. Willis, *History of Sacramento County* (Los Angeles: Historic Record Company, 1913), 178.

⁵⁸⁰ First name unknown.

⁵⁸¹ Willis, *History of Sacramento County*, 178-79.

⁵⁸² Willis, *History of Sacramento County*, 179.

...in the circumstances that the races are separated in the public schools, there is certainly to be found no violation of the constitutional rights of the one race more than of the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with that other, and both at the common public expense.⁵⁸³

The decision reaffirmed, however, that African American children had to be educated equally to non-Black students. This decision “established the principle of ‘separate but equal’ in California law—twenty-two years before the United States Supreme Court adopted it in the case of *Plessy v. Ferguson*.” It was initially a slap in the face for the Black community.⁵⁸⁴

Within time, however, the African American community realized that the decision had given them the power to demand either equal facilities or school desegregation. The requirement for “equal facilities” for the education of Black students collided with the finite resources of public monies to support two equal, but separate, school systems within one district, especially since the number of African American students was quite low compared to non-Black students. More pressure was put on the state legislature to change the school laws.⁵⁸⁵

On 15 December 1873 a bill was introduced in the legislature entitled, “An Act to Amend the Political Code of the State of California.”⁵⁸⁶ On 30 January 1874, J. F.

⁵⁸³ Hendrick, *Education of Non-Whites*, 24.

⁵⁸⁴ Broussard, *Black San Francisco*, 18-19.

⁵⁸⁵ Hendrick, *Education of Non-Whites*, 24.

⁵⁸⁶ Savage, *Blacks in the West*, 171.

Cowdery of San Francisco, a lawyer born in 1835 in New York, delivered a speech in the Assembly supporting African American demands while condemning racism in the legislature:

Mr. Murphy said the bill proposed to strike the word 'white' from the school law. He thought the agitation of the matter at this time premature. He was opposed to the bill for that reason, and because the people have not demanded a change.

...

Dr. Speaker: It is said by the gentleman from Del Norte that the people are satisfied with the law as it is; that we have not heard from the people a demand that the negro children be admitted into the common schools. In reply, I propose to show to this Assembly that this question has been repeatedly before the people of this State.

Cowdery cited Governor Booth, who said in his inaugural address:

I am of opinion that the words 'white' and 'colored' should be stricken from our school law. They are a badge of the past. Every child born on our soil should have an equal inheritance in the institutions of our common country – an equal right to a fair start in the race of life.

We have seen what the head of the State has written upon this subject. Let us now see if the people, or any part of them, demand a change. Last Fall there assembled at Sacramento a body of colored citizens, demanding all the rights their citizenship entitled them to. They addressed a memorial to this Legislature, and appealed, with touching eloquence, to that sense of justice inherent in the hearts of all true men. I, for one, heard their appeal, and, to the best of my ability, will respond to their plea.

If this question was not to be agitated, why did this House refer this question to the Committee on Education. of which I am a member? Did the House refer the matter to our Committee expecting we would let it sleep until too late to act this session? Such a course would have been dishonorable.

Again: It is said, 'The people do not demand a change.' What people do gentlemen refer to – the people who oppress, or the people who are oppressed?

Would not this body consider a petition from the oppressors, praying that they might not be permitted to oppress the colored children, a strange and illogical document? Such petition would be

as strange to this body as the wolf's petition to a council of shepherds, praying that his teeth might be filed, so that he could no longer hurt the poor sheep.

...

Professor Adkinson, of the Massachusetts Institute of Technology, recently said, in speaking of educational matters, 'Our aim is to combine republican ideas with the theory of liberal education; to make the education of the whole people liberal, instead of merely the education of certain privileged classes.'

...

It is said the negroes should be excluded from the white schools 'because their morals are so bad they will corrupt the white children': For years I have accepted this answer as a true reason. I forgot that many of the brightest names of men and women who adorn the historical pages of Southern chivalry were suckled by negro foster mothers and played during all their childhood with their father's slaves – I forgot that true type of the plantation negro, Uncle Tom, and his little angel Eva, that was not too pure to kiss his black cheek and place roses in his hair – I forgot that stalwart slave, immortalized by the sculptor, who bound the wounds of the Union soldier, and did that the defender of his race might live. ...

In the State we have 139,596 white children, and it is absurd to say that 944 colored children, if admitted to the school with them, will destroy our schools, and especially as there is but one colored to each 144 white children.⁵⁸⁷

Two months after the *Ward* decision, the state legislature changed the school laws based on a recommendation of the code commission to read that "children of African decent and Indian children should be admitted into schools for white children if separate

⁵⁸⁷ J. F. Cowdery, *"The Word "White" in the California School Laws. Speech of Hon. J.F. Cowdery of San Francisco, in the House of Assembly, Sacramento, Cal., January 30, 1874, Bancroft Library, University of California, Berkeley; Appendix E.*

schools were not provided for them.”⁵⁸⁸ On 28 March 1874 Governor Booth signed “An Act to Enforce the Educational Rights of Children” into law.⁵⁸⁹

In late 1874 J. B. Sanderson saw Black children and non-Black children enter the same public schools together. After his twenty years in California, Sanderson and the Black community had achieved the privileges that they had left behind when they left New England for the West Coast.⁵⁹⁰

On 3 August 1875 the last bastion fell. San Francisco’s Board of Education finally voted to desegregate the city’s public schools and allowed colored children to attend any public school; separate schools had to be abolished.⁵⁹¹ Although the city integrated its schools, the board accepted integration more for economic reasons than out of a sudden streak of humanity.⁵⁹² To uphold their racist attitudes toward African Americans was too costly. “In 1874-75 the per pupil cost of operating the Howard Street Colored School was \$126.92, and \$62.50 for operating the Vallejo Colored School.”⁵⁹³ The price of segregation was too high. One reason for the high costs was the small average attendance. Parents no longer enrolled their children in the “colored schools.” In the *Biennial Report for the School Year 1874 and 1875* State Superintendent Bolander

⁵⁸⁸ Hendrick, *Education of Non-Whites*, 25.

⁵⁸⁹ Dolson, Jr., “Administration of the San Francisco Public Schools,” 155.

⁵⁹⁰ Thurman, *Pioneers of Negro Origin*, 41.

⁵⁹¹ Broussard, *Black San Francisco*, 18-19.

⁵⁹² Lapp, “Afro-Americans in California,” 22.

⁵⁹³ Hendrick, *Education of Non-Whites*, 20.

remarked that African Americans were dissatisfied with separate schools for their children. "They take but little interest in sustaining their present schools, and will be satisfied with nothing less than the admission of their children into the other public schools of the city."⁵⁹⁴ However, in the term "colored children" only children of Indian and African descent were included; Chinese children were still excluded from integrated public schools.

Constant pressure on the legislature, belief in equal and universal education for all, and declining racism ended segregation in the state's public schools. In the first half of the 1870s, some White men, like John W. Dwinelle and J. F. Cowdery, championed Black rights. Both Black and White leaders fought for their beliefs and kept attention on the issue of unequal education. The ideology of Black and non-Black educational pioneers from the New England states overcame racist politics to integrate California's public schools.

⁵⁹⁴ *Biennial Report of the Superintendent of Public Instruction of the State of California for the School Year 1874 and 1875* (Sacramento: G. H. Springer, State Printer, 1875), 237; *Sacramento Semi-Weekly Record*, 3 February 1875.

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1880 United States Census.

1870 California Census.

APPENDIX

APPENDIX A

Address to the People of California

The colored citizens of this Commonwealth, would respectfully represent before you, their state and condition; and they respectfully ask a candid and careful investigation of facts in relation to their true character.

Our population numbers about 6,000 persons, who own capital to the amount of near \$3,000,000. This has been accumulated by our own industry, since we migrated to the shores of the Pacific.

Most of us were born upon your soil; reared up under the influence of your institutions; become familiar with your manners and customs; acquired most of your habits, and adopted your policies. We yield allegiance to no other country save this. With all her faults we love her still.

Our forefathers were among the first who took up arms and fought side by side with yours; poured out their blood freely in the struggle for American independence. They fought, as they had every reason to suppose, the good fight of liberty, until it finally triumphed.

In the war of 1812, in which you achieved independence and glory upon the seas, the colored men were also among the foremost to engage in the conflict, rendering efficient service in behalf of their common country. Through a long series of years have we been always ready to lay down our lives for the common weal, in defense of the national honor. On the other hand, instead of treating us as good and loyal citizens, you have treated us as aliens; sought to degrade us in all walks of life; proscribed us in Church and State as an ignorant and debased class, unworthy the sympathy and regard of men; without examining into our true character, you have allowed yourselves to become bitterly prejudiced against us. When we have spoken of the wrongs inflicted upon us, you have turned a death ear to our representations and entreaties, or spurned us from your.

We again call upon you to regard our condition in the State of California. We point with pride to the general character we maintain in your midst, for integrity, industry, and thrift. You have been wont to multiply our vices, and never to see our virtues. You call upon us to pay enormous taxes to support Government, at the same time you deny us the protection you extend to others; the security for life and property. You require us to be good citizens, while seeking to degrade us. You ask why we are not more intelligent? You receive our money to educate your children, and then refuse to admit our children into the common schools. You have enacted a law, excluding our testimony in the Courts of justice of this State, in cases of proceedings wherein white persons are parties; thus openly encouraging and countenancing the vicious and dishonest to take advantage of us; a law which while it does not advantage you, is a great wrong to us. At the same time, you freely admit the evidence of men in your midst, who are ignorant of the first principles of your Government—who know not the alphabet. Many

colored men, who have been educated in your first colleges, are not allowed to testify! And wherefore? Our Divine Father has created us with a darker complexion.

People of California! We entreat you to repeal that unjust law. We ask it in the name of humanity, in the enlightened age in which we live, because of the odium it reflects upon you as a free and powerful people, we ask you to remove it from your civil code; we ask it, that our homes and firesides may be protected; we ask it, that our just earnings as laborers may be secured to us, and none offered impunity, in withholding from us our just hire; that justice may be meted out to all, without respect to complexion; the guilty punished; the innocent protected; the shield of wise, and wholesome and equal laws, extended over all in your great State; upon her mountains, in her valleys and deep ravines; by her winding streams, may your State be a model, even to the elder sister States, in respect of your just laws; may your growth, prosperity and happiness, be bounded only by time and immortality.¹

¹ State Conventions of the Colored Citizens of California, "Proceedings of the First State Convention of the Colored Citizens of the State of California," (1855).

APPENDIX B

“An Act Amendatory of, and Supplementary to, an Act to Establish, Support, and Regulate, Common Schools, and to Repeal Former Acts Concerning the Same.”

Sec. 8. “Negroes, Mongolians, and Indians, shall not be admitted into the public schools; and, whenever satisfactory evidence is furnished to the Superintendent of Public Instruction to show that said prohibited parties are attending such schools, he may withhold from the district in which such schools are situated, all share of the State School Fund; and the Superintendent of Common Schools for the county in which such district is situated shall not draw his warrant in favor of such district, for any expenses incurred, while the prohibited parties aforesaid were attending the public schools therein; *provided* that the Trustees of any district may establish a separate school for the education of Negroes, Mongolians, and Indians, and use the public school funds for the support of the same.”²

² *The Statutes of California Passed at the Eleventh Session of the Legislature, 1860* (Sacramento: Charles T. Botts, State Printer, 1860), 325.

APPENDIX C

**Resolutions of the 1867 Education Convention in San Jose,
concerning the education of Black Youths.**

- Whereas, the Convention of Colored Citizens of California, called by the Phoenixonian Institute, having assembled in San Jose, July 31, 1867, to consider the subject of education, industrial pursuits and the elective franchise; and
- Whereas, education means improvement; improvement is the guiding of the Deity; to whom is improvement more desirable or more necessary than to those who from long oppression are just merging into the light of liberty; and
- Whereas, the education of our people as a man has been sadly overlooked owing to a variety of causes, and as this convention has for one of its objects the educational interest of the rising generation, therefore, be it
- Resolved, That we endeavor by every means within our reach to carry out its designs, that we devote our time and our means and be prepared to make any sacrifice consistent with our circumstances to elevate our people in this particular.
- Resolved, that the facilities for the education of the colored children on the Pacific Coast are not in proportion to our necessities; and with a view to elevate them we will build upon the foundation already laid in this city, San Jose, until its educational advantages shall be fully equal to our necessities and will compare favorably with the best.³

³ Parker, Elizabeth L. and James Abajian, *A Walking Tour of the Black Presence in San Francisco During the Nineteenth Century: A Black History Week Event* (San Francisco: San Francisco African American Historical and Cultural Society, 1974), 6.

APPENDIX D

Report of the Committee on Education

Your Committee appointed to consider upon the subject of Education, present the following as their Report:

The greatest distinction between the human and the animal branches of creation is the facility to acquire education of the higher grades. Some specimens of the animal creation may acquire education to a degree, but there it stops—it can go no further; their instincts, by which alone they are governed, cannot carry them beyond that point. When the reasoning faculties come into requisition, the progression of the animal stops, and we see the power of the human mind.

Anaylization [sic], comparison, analogy, description, and their kindred attributes, are all the results of reflection; and the reasoning faculties, which are distinct from the instinctive qualities of the brute, and are emanations of the God-like power from which source man has his being, and to develop which is his chief end and aim.

That can only be accomplished by his having all possible facilities of education, and every means open to him for improving his mind and enlarging his understanding; and to none are these facilities more requisite than to a race whose ancestors have for generations been deprived of all opportunities for mental improvement—against whom the portals of the Temple of Knowledge have been closed, and who are, even now, but emerging from the barbarism of slavery, and from whose minds the clouds of ignorance and superstition are just breaking away. Therefore, be it

Resolved, That we present a petition to the Legislature to so amend the School Law that colored children, by its provisions, shall receive the benefit of its advantages in common with others; and,

WHEREAS, The School at San Jose, being already established, and in successful operation, requires the prompt and earnest aid of our people, as well as their whole influence; therefore, be it

Resolved, That a contribution of one dollar be solicited from every colored person throughout the State of California to purchase the property of the San Jose School; and also, that the Legislature be petitioned for an endowment for the establishment of a High School. Be it furthermore

Resolved, That this Convention most earnestly solicit the shareholders composing the Livingstone Institute to contribute whatever funds they may have accumulated towards the objects above contemplated. Be it further

Resolved, That this Convention heartily approves of the objects of the Lincoln Monument Association, and that it will do all in its power to perpetuate the memory of the man who wrote the Proclamation that rent asunder the chains of four millions of bondmen!

W. H. HALL,
P. A. BELL,
T. M. D. WARD,
Committee⁴

⁴ Philip S. Foner and George E. Walker, eds., *Proceedings of the Black State Conventions, 1840-1865*, 2 vols., vol. 2 (Philadelphia: Temple University Press, 1979), 174-175.

APPENDIX E – Table of Politicians

Last Name	First Name	Born	Born where	Party affiliation	Died when and where
Ashley	Delos R.	1828**	Arkansas**	(Republican) Monterey Ay: 5 th , 6 th session S: 7 th , 8 th session*	San Francisco, 7/18, 1873*
Benton	John Elliot	~1800***	Connecticut***	Ay: 13 th session (Union)* State Senator of Sacramento	Oakland 2/18, 1888*
Broderick	David C.	1818*	New York*	(Democrat) Tammany, New York	1859 in San Francisco (duel)
Buckley	John	Unknown	Unknown	S: 15 th session (Union)*	San Francisco, 11/17, 1864*
Burnell	R.	1826**	New York**	Ay: 12 th session (Union Democrat) for Amador City, S: 13 th session (Union) and 14 th , 15 th session*	Napa, 2/18, 1880*
Cole	Cornelius	1823***	b. New York***, came from New England	(Republican) 1856 one of the founders of California's Republican Party	Los Angeles, 11/3, 1924*
Conness	John	1821**	Ireland**	(Democrat) El Dorado Ay: 4 th , 5 th session (Anti-Lecompton) El Dorado Ay: 11 th session (Douglas Democrat) El Dorado Ay: 12 th session*	Coloma, 1/10, 1909* Buried in Massachusetts, where he moved in 1869
Cowdery	Jabez F.	1835**	New York**	(Independent) San Francisco Ay: 20 th session (Republican) San Francisco Ay: 23 rd session*	Unknown
Cosby	John D.	1818^	Virginia^	(American Party) Humboldt/Klamath/Siskiyou/Trinity County S: 7 th and 8 th session*	Yreka, 5/15, 1861*

Last Name	First Name	Born	Born where	Party affiliation	Died when and where
Crandall	Dwight	Unknown	New York	Amador/Calaveras County S: 7 th and 8 th session*	Lost on steamship "Brother Jonathan," 7/30, 1865*
Crane	Lemuel Prescott	1819**	Maine**, father Manufacturer in Boston, when eight family moved to Maine	(Republican) for Yuba S: 19 th and 20 th session*	Unknown
Crane	A.M.	Unknown	Unknown	(Republican/Union) for Alameda County S: 13 th session*	Location unknown, 10/20, 1887*
Crane	W.H.	1838***	Michigan***	(Republican) for Butte S: 22 nd session*	Unknown
Crane	W. W.	Unknown	Unknown	(Union) for Alameda S: 15 th session*	Unknown
Crocker	Charles	1835***	New York***	(Republican) Sacramento Ay: 12 th session*	Monterey, 8/14, 1888*
Cunningham	Lewis	1819**	New York**	(Union) for Yuba S: 14 th - 16 th session*	San Francisco, 10/25, 1879*
DeHaven	John J.	1845***	Missouri***	(Republican) Del Norte/Humboldt/Klamath Ay: 18 th session S: 19 th and 20 th session*	Unknown
Dodge	Henry L.	1825**	Vermont**	(Union) for San Francisco Ay: 14 th session S: 15 th and 16 th session*	San Francisco, 2/24, 1902*
Duffy	James A.	1834**	Ireland**	(Republican) for Sacramento Ay: 18 th session S: 19 th and 20 th session*	Oakland, 9/16, 1889*
Dwinelle	John W.	1816**	New York** Father from VT	(?) for 9 th District Ay: 17 th -18 th session	San Francisco, 1/28, 1881
Evans	George S	1826**	Michigan**	(Union) for Mono/Tuolumne S: 15 th and 16 th session (Republican) f. San Joaquin: S: 19 th -22 nd session*	San Francisco, 9/17, 1883*

Last Name	First Name	Born	Born where	Party affiliation	Died when and where
Finney	Seldon J	1828**	New York**	(Republican) San Francisco, San Mateo: Ay: 18 th session S: 19 th and 20 th session*	San Mateo County, 7/27, 1875*
Foulke	Unknown	Unknown	Unknown	1864, Republican	Unknown
Frink	Ledyard	Unknown	Unknown	1855 Sacramento School Board of Education	Unknown
Freeman	James W.	1837**	New York**	(Democrat) for Fresno/Tulare S: 5 th and 6 th session (Democrat) for Fresno/Kern: Ay: 14 th session*	Bakersfield, 10/10, 1890*
Garrat	W. T.	1830**	Connecticut**	(Republican) for San Francisco S: 19 th and 20 th session*	San Francisco, 1/14, 1890*
Gaskill	R (P) C.	1833**	Vermont**	(Republican) for Butte: S: 13 th session (Union) Butte S: 14 th and 15 th session*	Pittsburg/PA, 11/2, 1889*
Goodale	David	1818**	New Hampshire**	(Republican) for Contra Costa S: 19 th and 20 th session*	Deceased* Location unknown
Goodale	J. E.	Unknown	Unknown	(?) for Placer County Ay: 16 th - 17 th session	Unknown
Goodwin	Jesse O	1825**	New York**	(American Party) for Sutter/Yuba S: 8 th and 9 th session (Republican) Sutter/Yuba S: 22 nd session*	Location unknown, 7/15, 1879*
Gwin	William	1806**	Tennessee**	(Democrat) for Calaveras S: 18 th , 19 th , 20 th session*	Unknown
Hagar	John S.	1818**	New Jersey**	(Democrat) for San Francisco S: 3 rd - 5 th session* S: 16 th - 19 th session*	San Francisco, 3/19, 1890 buried in St. Louis, MO
Hall	John T.	1810**	New Hampshire**	(Union) for Solano S: 15 th session*	Madison, 1/17, 1884*

Last Name	First Name	Born	Born where	Party affiliation	Died when and where
Hamilton	Henry	1830**	Ireland**	(Democrat) for Los Angeles S: 15 th session*	Unknown
Haswell	Charles S.	1815**	Vermont**	(Union) for Sutter Ay: 14 th session S: 15 th session*	Oakland, 9/21, 1893*
Hawes	Horace	Unknown	Unknown	(Union) San Francisco, San Mateo Ay: 7 th session S: 15 th , 16 th session*	San Francisco, 3/12, 1871*
Hinchman	August F.	1824***	New York***	(?) for 3 rd District Ay: 3 rd session	Unknown
Hopkins	Mark	1816**	New York**	Republican, 1856	Unknown
Huntington	Collis P.	Unknown	New York	Republican, 1856	Unknown
Hurd	M. S.	1828***	New York***	1860s, Sacramento Councilman in 1855	Unknown
Johnson	George A.	1829**	Maryland**	(Democrat) Ay: 1863, 1866-67	Unknown
Johnson	James A.	Unknown	South Carolina	(Democrat), Sacramento County Ay: 10 th , 11 th , 12 th session*	San Francisco, 5/11, 1896*
Jones	John P.	1825**	Wales** Came 1849 from Massachusetts via New York to California on the "Oella"	(Union) Shasta S: 15 th -16 th session*	Unknown
Kent	Charles	1822**	New York**	(Republican) Nevada S: 19 th , 20 th session*	San Francisco, 5/21, 1890*
Kutz	Joseph	Unknown	Unknown	(Republican) San Diego S: 13 th session (Union) Nevada S: 14 th - 16 th session*	Unknown
Low	Frederick F.	1828*	Maine* Came 1851 on "John Bertram" from Boston, Mass.	(Republican) Governor for California 1863-67 (15 th -16 th session)	San Francisco, 7/21, 1894

Last Name	First Name	Born	Born where	Party affiliation	Died when and where
Maddox	F. L.	Unknown	Unknown	(Union) El Dorado S: 15 th , 16 th session*	Georgetown, 4/4/1871*
Mann	Horace	1796	Massachusetts	Member of Massachusetts State House of Representatives; member of State Senate; US Representative from Massachusetts 8 th District 1848-53	Yellow Springs, Ohio 8/2, 1859
McCallen	Daniel	Unknown	Pennsylvania (?)	1850s, El Dorado County	Unknown
McKusick	Harrison Johnson	1832**	Maine**	(Republican) El Dorado S: 19 th , 20 th session*	Berkeley, 7/16, 1893*
McMurty	W. S.	Unknown	Unknown	(Union) Sonoma S: 14 th session*	Petaluma, 11/30, 1899*
Meeker	David Stephen	Unknown	New Jersey	1855, Sacramento School Board	Unknown
Meeks	Washington	Unknown	New York	1855, Sacramento School Board	Unknown
Morse	John F. Dr.	Unknown	New York	1855, Sacramento School Board	Unknown
Moyle	J.W.	1833**	New Jersey**	(Union) Sierra S: 15 th session*	Unknown
Oulton	George	1832**	Nova Scotia Canada**	(Republican) Siskiyou S: 13 th session (Union) Siskiyou S: 14 th session (Republican) San Francisco S: 19 th , 20 th session*	Unknown
Owen	James J.	1827**	New York**	(Union) Santa Clara Ay: 14 th , 15 th session*	San Francisco, 1/15, 1895*
Pearce	E. D.	Unknown	Unknown	1852-53, 1864 (Democrat)	Unknown
Perkins	Richard F.	Unknown	Unknown	(Republican) San Francisco S: 13 th session (Union) San Francisco S: 14 th session*	At sea, 10/13, 1868*

Last Name	First Name	Born	Born where	Party affiliation	Died when and where
Pixley	Frank M.	1827***	New York***	(Republican) San Francisco Ay: 10 th session*	San Francisco, 8/11, 1895*
Polly	H.	1837**	New York**	Sacramento Councilman 1855; 1860s	Unknown
Porter	Charles B.	1820**	Massachusetts**	(Union) Contra Costa Ay: 12 th , 13 th session S: 14 th - 16 th session*	San Francisco, 11/15, 1894*
Porter	George K.	1833**	Massachusetts**	Republican) Monterey, Santa Cruz S: 13 th session (Union) Monterey S: 14 th session*	San Francisco, 11/16, 1906*
Redding	Benjamin. B.	1824***	Nova Scotia***	(?) for 15 th District Ay: 4 th -5 th session	Unknown
Redington	J. H.	1834**	Pennsylvania**	(Union) San Francisco S: 15 th session*	Santa Barbara, 5/17, 1890*
Rush	John A.	Unknown	Unknown	(Democrat) Colusa S: 15 th , 16 th session*	Sacramento, 2/7, 1900*
Shannon	Thomas B.	1828**	Pennsylvania**	(Union) Butte Ay: 10 th , 11 th , 13 th , 19 th session S: 14 th session*	San Francisco, 2/21, 1897*
Shafter	James McM.	1818**	Vermont**	(Republican) San Francisco S: 12 th , 13 th session (Union) San Francisco S: 15 th session*	San Francisco, 9/29, 1892*
Shaw	William J.	1822***	Massachusetts***	State Senator from San Francisco	Unknown
Shepard	William W.	Unknown	Unknown	(Republican) San Francisco Ay: 8 th , 9 th , 10 th session*	Deceased* Location unknown
Shepard	Joseph	1828**	Ohio**	(Union) Colusa S: 15 th session*	Unknown
Stanford	Leland	1825***	New York***	(Republican) 1856	Unknown
Stillman	J. B.	Unknown	New York	1850s	Unknown
Swett	John	1830***	New Hampshire***	1863-1867 State Superintendent for Public Instruction, California	Unknown

Last Name	First Name	Born	Born where	Party affiliation	Died when and where
Tompkins	Edward	1815*	New York*	(Independent) Alameda S: 18 th , 19 th session*	Oakland, 11/4, 1872*
Turner	Henry Kenedy	1831 (?)	Maine (?)	(Republican) Sierra S: 18 th - 20 th session (Republican) Nevada/Sierra S: 21 st session*	Sierra, 7/16, 1903*
Tuttle	M. C.	Unknown	Unknown	(Union) San Bernardino/San Diego S: 15 th , 16 th session*	San Bernardino, 3/10, 1867*
Wheaton	William R.	1816**	New York**	(Union) San Francisco Ay: 14 th session (Republican) San Francisco Ay: 19 th session*	Oakland, 9/11, 1888*
Wing	Stephen	1822**	Massachusetts**	(Republican) Inyo/Mono S: 18 th , 19 th session*	San Francisco, 7/15, 1896*
Wright	S. P.	Unknown	Unknown	(Union) Del Norte Ay: 13 th , 14 th session S: 15 th , 16 th session*	Santa Barbara, 7/22, 1874*
1850: 1 st session 1851: 2 nd session 1852: 3 rd session 1853: 4 th session 1854: 5 th session 1855: 6 th session 1856: 7 th session	1857: 8 th session 1858: 9 th session 1859: 10 th session 1860: 11 th session 1861: 12 th session 1862: 13 th session 1863-64: 15 th session	1865-66: 16 th session 1867-68: 17 th session 1869-70: 18 th session 1871-72: 19 th session 1873-74: 20 th session 1875-76 21 st session	* California Blue Book, compiled by C.F. Curry, Secretary of State, W. W. Shannon Superintendent, Sacramento: 1907 State Printing. ** 1870 California Census *** 1880 US Census ^ 1860 US Census		