***CHAPTER THREE: Free Black Communities in the Antebellum West***

*The antebellum West also saw the rise of a free black population. The vignettes* ***George Washington Bush on the Oregon Trail*** *and* ***Diary of a Black Forty-Niner*** *afford a brief glimpse of the overland journeys of two such African Americans The three vignettes,* ***Black Rights in Antebellum Oregon****,* ***Oregon Territory Bans African Americans*** *and* ***The Abner H. Francis Petition*** *reflect the desire to exclude most blacks and the desire to attract all people committed to the region's development. On the initial migration to the gold fields see* ***African Americans on the California Trail****,* ***Black Miners in the Mother Lode*** *and* ***A Letter from California****. The vignette* ***The Bridget “Biddy” Mason Verdict*** *describes how one slave family became free in California in 1856. The vignettes,* ***African Americans in Gold Rush California****,* ***The First California Negro Convention*** *and* ***Address to the People of California****, describe the attempts to limit rights in the state that in the 1850s was home to the vast majority of blacks in the Far West, and the African American response to those attempts. The vignette* ***Mifflin W. Gibbs in California*** *describes his first encounters in Gold Rush San Francisco, while* ***The Victorian Exodus, 1858****, details the disenchantment of one group of Californians with the Golden State. The vignettes* ***The Pacific Appeal on the Freedmen*** *and* ***The San Francisco Elevator****, introduce the two influential African American newspapers which emerged in the 1860s to serve black communities in the West. The three vignettes,* ***Freedom in Kansas, 1863****,* ***Henry Clay Bruce and Kansas "Freedom,"*** *and* ***The Freedmen and Education****, describe the rapid Civil War era growth of the largest free black community in the West while* ***John Brown in the West: Kansas, 1858*** *describes one source of the "abolitionist heritage" of the Sunflower state. Another source is the early recruitment of African American troops as profiled in* ***Black Soldiers and the Civil War in the West****.*

*Terms For Week Three*:

*George Bush*

*Abner Hunt Francis*

*Black Laws of Oregon*

*Peter H. Burnett*

*Jacob Vanderpool*

*Bridget "Biddy" Mason*

*Robert and Minnie Owens*

*Downieville, California*

*Mifflin W. Gibbs*

*Mirror of the Times*

*Peter Anderson, Pacific Appeal*

*Philip A. Bell, Elevator*

*Mary Ellen Pleasant*

*Salt Spring Island*

*Charlotte Brown*

*Kansas-Nebraska Act, 1854*

*John Brown*

*James H. Lane*

*Underground Railroad*

*Lawrence, Kansas*

*Ladies Refugee Aid Society*

*Army of the Frontier*

*Henry Clay Bruce*

*Captain William Mathews*

**GEORGE BUSH ON THE OREGON TRAIL**

*Like thousands of other settlers in the Pacific Northwest, George Bush and his family migrated across the Oregon Trail in 1844, seeking new opportunity. Bush, however, as an African American, had another concern. He had heard of racial restrictions being imposed on blacks in the Oregon Country and shared with his friend, John Minto, his course of action. Eventually Bush arrived in Oregon, but chose to settle north of the Columbia River because he believed the sparsely populated area would prove more accepting of his family. Bush's decision, and the subsequent determination of his white traveling companions to follow him, initiated the first significant settlement north of the Columbia in what would become Washington Territory. Minto correctly assessed Bush's influence on his fellow travelers. However, as subsequent vignettes will show, he incorrectly indicated that Oregon's anti-black laws were never enforced. Bush's thoughts, as recalled by Minto, are presented below.*

I struck the road again in advance of my friends near Soda Springs [Idaho]. There was in sight, however, G.W. Bush, at whose camp table Rees and I had received the hospitalities of the Missouri rendezvous. Joining him, we went on to the Springs. Bush was a mulatto, but he had means, and also a white woman for a wife, and a family of five children. Not many men of color left a slave state so well to do, and so generally respected; but it was not in the nature of things that he should be permitted to forget his color. As we went along together, he riding a mule, and I on foot, he led the conversation on the subject. He told me he should watch, when we got to Oregon, what usage was awarded to people of color, and if he could not have a free man's rights he would seek the protection of the Mexican Government in California or New Mexico. He said there were few in the train he would say as much to as he had just said to me. I told him I understood. This conversation enabled me afterwards to understand the chief reason for Col. M.T. Simmons and his kindred, and Bush and Jones determining to settle north of the Columbia. It was understood that Bush was assisting at least two of these to get to Oregon, and while they were all Americans, they would take no part in ill treating G.W. Bush on account of his color. No act of Colonel Simmons as a legislator in 1846 was more credible to him than getting Mr. Bush exempt from the Oregon law, intended to deter mulattoes or negroes from settling in Oregon--a law, however, happily never enforced.

*Source: John Minto, "Reminiscences of Experiences on the Oregon Trail in 1844 (Part II) Oregon Historical Quarterly 2:3 (September 1901):212-213.*

**ABNER HUNT FRANCIS WRITES FREDERICK DOUGLASS, 1851**

*Abner Hunt Francis moved to Portland, Oregon from Buffalo, New York in 1851 where he and his wife, Lynda, opened a boardinghouse. Immediately upon his arrival Francis plunged into the campaign to prevent his brother, O.B. Francis from being expelled from the Territory under the provisions of Oregon's Black Exclusion Law. Abner Francis's 1851 letter to his friend and fellow abolitionist, Frederick Douglass, which was subsequently printed in Frederick Douglass' Paper, in November 1851, alerted the Eastern abolitionist community to Oregon's efforts to limit black rights. However it is quite apparent from the letter and the petition which appears as the next vignette, that many EuroAmerican Portlanders supported the efforts of the Francis brothers to remain in Oregon. Indeed both remained for the rest of the decade. Abner Francis's confident prediction that the Exclusion Law would be repealed, proved incorrect. It remained in force until superceded by the Fourteenth Amendment to the United States Constitution was enacted after the Civil War. Although unenforceable after 1868, it remained on Oregon's statute books until 1926. The Hunt letter to Douglas is reprinted below.*

MY DEAR FRIEND:

Since my last letter to you, mailed at San Francisco, I had in part written out two communications intended for publication. Before their completion, I was brought to the knowledge of the fact, and experienced the result of an existing law in this "free territory" of Oregon, so unjust and devilish in all its features, that I waive other matter that you may immediately give publicity to the facts relating to it. After a two months' tour from Buffalo via New York to Chagres, through New Granada, Mexico, California and Oregon, I concluded in connection with my brother, to locate for a time in Oregon. In accordance therewith, we went to a store and commenced business at a very heavy expense. After the expiration of ten days, I was called away for three weeks. Shortly after my departure, my brother was arrested through the complaint of an Englishman (said, by some, not to be naturalized), on charge of violating one of the laws of the territory. And what do you suppose was the crime? That he was a negro, and that one of the laws of the "free" territory forbid any colored person who had a preponderance of African blood from settling in the territory. He was tried before a Justice of the Peace, and, I must say, very generously given six months to leave the territory. The law says thirty days.

The second day after my return, Sept. 15th, the complainant, not being satisfied with the past decision, carried the case up to the Supreme Court, Judge Pratt presiding. Before his Judgeship we were summoned. After a formal hearing, establishing the fact of negro identity, the court adjourned, to meet the next morning at 9 o'clock. At the hour appointed, the room was crowded, showing much feeling of indignation and wrath against the complainant. Judge Tilford, late of San Francisco (a Kentuckian), appeared as counsel for the defense. To be brief, he conducted the case with the ability and skill rarely seen by the legal profession, showing, by the constitution of the United States, the right of citizens of one state to enjoy the rights of citizens in another. To be understood on this point, his argument rested that citizens of one state had a right to enjoy the same privileges that the same class of citizens enjoy in the state which they visit. This he contended was the understanding or meaning of that article in the constitution. He demanded for us, under this clause, all the rights which colored people enjoyed in the territory prior to the passage of this law. (Those in the territory at the time of the passage of this law are not affected by it). He then took the position, and clearly proved it, that the law was unconstitutional, on the ground that [it] made no provision for jury trial in these arrests, showing that any person, no matter how debased, had the power to enter complaint against any colored persons and have them brought before any petty Justice of the Peace and commanded to leave the territory. Did space permit, I should gladly follow the Judge further in this branch of his interesting argument.

At the close of it, the whole house appeared to feel that the triumph was complete on the part of the defendants, that unconstitutionality of the law must be conceded by Judge Pratt. But alas! self-interest or selfishness led him to *attempt* to override the whole argument, and prove the constitutionality of the law; and it is none the less true that we now stand condemned under his decision, which is to close up business and leave the territory within four months.

This decision produced considerable excitement. Some said the scoundrel (the complainant) ought to have a coat of tar, while the mass have agreed to withhold their patronage from him... The people declare we shall not leave at the expiration of the time, whether the Legislature repeal the law or not. Petitions are now being circulated for its repeal. The member from this district, Col. [William M] King, one of the most influential men in the house, declares, as far as his influence can go, it *shall* be repealed at the commencement of the session, which takes place on the first of December next. Thus you see, my dear sir, that even in the so-called *free* territory of Oregon, the colored American citizen, thought he may possess all of the qualities and qualifications which make a man a good citizen, is drive out like a beast in the forest, made to sacrifice every interest dear to him, and forbidden the privilege to take the portion of the soil which the government says every citizen shall enjoy. Ah! when I see and experience such treatment, the words of that departed patriot come before me. *"I tremble for my country when I remember that God is just, and that his justice will not always sleep."*

I find...that more than half of the citizens of Portland were ignorant of any such law. The universal sentiment is *that it shall be repealed.* God grant that this may be the case. If I have been one who, through suffering severely, has had the least agency in bringing about this repeal, I shall freely surrender, and be well pleased with the result. Yours for equal rights, equal laws and equal justice to all men.

*Source: C. Peter Ripley, ed., The Black Abolitionist Papers Volume 4, The United States, 1847-1858 (Chapel Hill, 1991), pp. 103-104.*

**THE O. B. FRANCIS PETITION, 1851**

*When the Oregon Territorial Legislature enacted a law banning black migration to Oregon, Portland citizens successfully petitioned to grant an exemption to merchant O. B. Francis. The petition, mentioned in Abner H. Francis's letter to Frederick Douglass, is reprinted below:*

*To the Honorable Members of the Council and House of Representatives of the Territory of Oregon:*

We the undersigned citizens of the Territory of Oregon in view of an existing law passed by your honorable body in September 1849 prohibiting Negroes and mulattoes from settling in the territory beg leave to call your attention to the severity of the law and the injustice often resulting from the enforcement of it.

There are frequently coming into this territory a class of men whom this law will apply. They have proved themselves to me industri­ous and civil. Having no knowledge of this law some of them have spent their all by purchas­ing property or entering into business to gain an honest living. We see the injustice done to them by unworthy and designing men lodging complaints against them under this law and they thus ordered at great sacrifice to leave the territory. We humbly ask this body to repeal or so modify this law that all classes of honest and industrious men may have an equal chance. We would also represent to your honorable body that the reasons which dictated the law, namely the dangers arising from a colored population instilling hostility into the Indians has ceased.

We petitioners further ask your honorable body that a special act may be passed at the earliest period possible permitting O.B. Francis, citizen from the state of New York located in business in Portland to remain. They having for no crime but a malicious intent on the part of another been arraigned before Judge Pratt on the 11th of September past and proved to be of that class of men who came under this act, were ordered to leave within four months which time will soon expire. All of which your humble body will please grant to your humble consideration.

**The Petition is signed by 211 people including two territorial officials and Thomas Dryer, editor of the Portland *Oregonian*.**

*Source: Archives of the Oregon Historical Society*

**BLACK RIGHTS IN ANTEBELLUM OREGON**

*While the Francis case was contested, Territorial authorities moved against another African American, Jacob Vanderpool of Salem. Vanderpool was the only African American successfully removed from Oregon under the provisions of the exclusion act. Historian Elizabeth McLagan describes the legal exclusion of Vanderpool and suggests the motives for the action.*

On August 20, 1851, a black man named Jacob Vanderpool, who owned a saloon, restaurant and boarding house across the street from the offices of the *Oregon Statesman* in Salem, was arrested and jailed. His crime was living illegally in Oregon because he was black. Theophilus Magruder had filed a complaint against him, saying that his residence in Oregon was illegal because of an exclusion law passed by the Territorial government in 1849. Five days later, Vanderpool was brought to trial. His defense lawyer argued that the law was unconstitutional since it had not been legally approved by the legislature. The prosecution produced three witnesses who verified the date of Vanderpool's arrival in Oregon. All three were vague. A verdict was rendered the following day, and Judge Thomas Nelson ordered Jacob Vanderpool to leave Oregon.... The decision was delivered to him the same day by the sheriff of Clakamas County.... Jacob Vanderpool was the only black person of record to be expelled from Oregon because of his race.

From the beginning of governmental organization in Oregon the question of slavery and the rights of free black people were discussed and debated. Slavery existed, although consistently prohibited by law. Exclusion laws designed to prevent black people from coming to Oregon were passed twice during the 1840s, considered several times and finally passed as part of the state constitution in 1857. The takeover of Indian lands prompted hostility between Indians and whites; the "Cockstock Affair" raised fears that without an exclusion law settlers might have two hostile minority groups to deal with.

The people who settled in Oregon tended to come from the frontier areas of the Middle West, particularly the Ohio and Mississippi River valleys. The move West from many included the expectation that they could settle in an area untroubled by racial concerns.... Laws restricting the rights of black people were not an original idea in Oregon, nor were they unknown outside the South. In the first fifty years of the 19th Century Ohio, Illinois, Indiana, and Missouri had passed laws restricting the rights of black people. These laws denied them the vote, restricted free access into the territory, restricted testimony in court, required the posting of bonds for good behavior, demanded that black people carry proof of freedom, or excluded them altogether from living in these territories. Exclusion laws similar to those enacted in Oregon were passed in Indiana and Illinois and considered, though never passed, in Ohio. Familiar with laws passed in other frontier areas and desirous of keeping Oregon free from troublesome racial questions, settlers who brought racist attitudes with them across the plains saw legal restrictions as the best solution to the problem.

*Source: Elizabeth McLagan, A Peculiar Paradise: A History of Blacks in Oregon, 1788-1940 (Portland, 1980), pp. 23-25.*

**AFRICAN AMERICANS ON THE CALIFORNIA TRAIL**

*The following is a brief account of African Americans on the California Trail*.

The gold mines of California had a powerful attraction for black men who saw this difficult venture as the chance to buy their freedom more swiftly than they might black home. Unknown numbers of these men were in the hordes that crossed the plains and thronged the routes across Central America. Some left wives and children behind as hostages and departed for the gold fields with the approval of their masters, from whom they hoped to purchase their liberty. Others who were already free hoped to buy freedom for their families. A white Ohio forty-niner noted in his diary, as he was on his way across the plains, "I saw a colored man going to the land of gold prompted by the hope of redeeming his wife and seven children. Success to him. His name is James Taylor." Jessie Benton Fremont recalled that on her first trip to California to meet her husband, John C. Fremont, she met a free black man en route who was hoping to attain the means of purchasing his family's freedom.

By 1852 two thousand black men and women were in the state. California had become a free state, though hardly possessed of rights for black people comparable to those to be found in most New England states by this time. But its lure as a land of opportunity persisted in the face of continuing negative coverage in the East. The hopeful black argonaut could brush aside the reports of prejudice, hardship, and death when he heard stories such as that of the black New York leader, William H. Hall. A forty-niner, Hall returned in 1851 in sufficient affluence to be married in a wedding that was reported as having a "splendor" that was "perhaps without a parallel in the history of coloured society in New York..." Philadelphia Negroes read in an anti-slavery paper that two blacks returned to the East early in 1851 with $30,000 accumulated in four months of gold mining.

The human flood that readied itself in Missouri for the historic crossing of the plains and mountains in 1849 and 1850 was typically American. It was black and white and included both free and slave blacks. The hardships that these gold seekers were to face were to be shared equally. Hunger, heat, drought, and disease were experienced by both races. Attacking Indians on the plains or in the mountains did not discriminate. Members of both races were buried along the trails that led to the gold country... Black men in companies organized in the North were uniformly freeman. A group of New Englanders, mostly from Roxbury, Massachusetts, took with them two men they called "colored servants." An Illinois black named Henry Finley was noted as a member of an Ohio company headed by Major John Love of that state. Similarly, Vardaman Buller, a Kentucky free Negro, was hired to drive a team to California for William Gill, a white Kentuckian. Another Kentucky-born free Negro, John, earned his passage to California from El Paso, Texas, by cooking, barbering, and caring for the pack animals for a military unit headed west... A New York black went as cook with a company of Germans who had organized their venture in that city. If this group was composed of radical refugees from persecution in Germany, as so many were at this time, this Negro cook was in the most congenial of company. One black man had the misfortune of being associated on the overland trek with a domestically troubled white family. He found himself from time to time in the awkward position of being ordered by the husband to beat the wife. When this group arrived in the mines, the wife complained of this treatment to nearby miners, who then whipped the black man...

The plains took their toll of these adventurers. In 1849 the dread cholera from Europe competed with the gold rush for the attention of the American people. In fact, the gold rush facilitated the spread of the disease. Only the few who plunged west ahead of the crowd had a chance of escaping contact with those who were infected. Late-spring starters had reduced chances of immunity. Four of the nine black slaves who came with C.C. Churchill, a Kentuckian died on the plains because of their master's late start. Another tragedy was noted by a diarist simply, "Jones (a black boy) in my mess is very sick..." and a day later, "...Jones died." Still another surviving record stated, "A white woman and a colored one died yesterday of the cholera."

*Source: Rudolph M. Lapp, Blacks in Gold Rush California, (New Haven, 1977), pp. 21-29.*

**DIARY OF A BLACK FORTY-NINER**

*Alvin Coffey, a former slave, and the first African American to be elected to the California Pioneers Association, left this account of his impressions of crossing the Western United States in 1849 enroute to the California gold fields. The vignette below provides excerpts from his diary. The first four excerpts describe the overland journey and the last discusses his first winter in California.*

I started from St. Louis, Missouri, on the 2nd of April in 1849. There was quite a crowd of neighbors who drove through the mud and rain to St. Joe to see us off. About the first of May we organized the train. There were twenty wagons in number and from three to five men in each wagon...

We got across the plains to Fort Laramie, the 16th of June and the ignorant driver broke down a good may oxen on the trains. There were a good many ahead of us, who had doubled up their trains and left tons upon tons of bacon and other provisions...

Starting across the desert to Black Rock at 4 o'clock in the evening, we traveled all night. The next day it was hot and sandy...

A great number of cattle perished before we got to Black Rock... I drove our oxen all the time and I knew about how much an ox could stand. Between nine and ten o'clock a breeze came up and the oxen threw up their heads and seemed to have a new life. At noon we drove into Black Rock...

We crossed the South Pass on the Fourth of July. The ice next morning was as thick as a dinner-plate....

On the morning of the 15th (of October) we went to dry-digging mining. We dug and dug to the first of November, at night it commenced raining, and rained and snowed pretty much all the winter. We had a tent but it barely kept us all dry. There were from eight to twelve in one camp. We cut down pine trees for stakes to make a cabin. It was a whole week before we had a cabin to keep us dry.

*Source: B. Gordon Wheeler, Black California: The History of African-Americans in the Golden State (New York, 1993), pp. 56-57.*