

## THE CHILEAN WAR

*by Bonnie Miller*

Southwest of Mokelumne Hill lies a gentle ravine five miles in length known as Chile Gulch, named for the early miners who drew gold from its rich flanks. Driving up present day Highway 49 from San Andreas, one passes a roadside turnout with a stone monument on the northeastern tip of this gulch. This monument memorializes an event that took place in Calaveras County's colorful, if not dark history in the winter of 1849-1850, known as the Chilean War. This "war" was not just a battle between claim jumpers, but a concern with repercussions reaching past Mokelumne Hill and beyond the county lines, beyond the state of California, and beyond the international shores of the fledgling state and country.

On June 14, 1848 the ship *J. R. S.* returned to its home port of Valparaiso, Chile from its trip to San Francisco, or Yerba Buena as it was known then. While in port in San Francisco, its crew had learned the startling news that on May 12, 1848 gold had been discovered upstream at a place called Coloma. Most people discounted the idea as too incredulous, but some did not. Those who chose to gamble on the rumor and return to San Francisco were the lucky ones.

Mining gold was not new to Chileans. Chileans were very accomplished miners, and particularly adept at removing gold from quartz-bearing veins. When



The monument on the east side of Highway 49, California State Historical Landmark No.265 memorializing the Chilean War of 1849-1850.



**The Hounds attacking Little Chile in San Francisco in 1849.**

affect of that conflict was a racist attitude toward the Mexicans who remained in California. The Treaty granted all *Californios* (native-born Californians of Hispanic descent) full United States citizenship, and promised that their property was to have been “inviolably respected.” Anglos often just ignored the protections that were to have been afforded the native Mexican-Americans born of California soil. The new Californians brought a fledgling sense of manifest destiny, without really understanding it, no matter what the cost. Some of their superiority came from an attitude that no one but an Anglo, or an Anglo-European, or an English-speaking Anglo-European could

the discovery of gold was confirmed, Chilean miners flocked to California. Thousands of Chilean miners were extracting the easy gold from the California foothills before the end of 1848, well before most of the United States had heard that the Gold Rush was on.

Chilean gentry sent ahead their *péons*, or indentured servants to work the mines for them. The profits were sent home to Chile, and early gold rush money flowed back to Chile long before American pioneers were making their way to the gold fields. Chile also had shipping ports for the long sea trip around the horn, so the port towns were also profiting from the sea-weary travelers who were quickly learning to pay any price for a comfort or a commodity. Chile was suddenly wealthy as a result of California’s gold rush.

### ***Early California Racism***

The United States had just “won” California from Mexico in the Mexican-American War which had ended with the signing of the Treaty of Guadalupe Hidalgo on February 2, 1848. A residual

mine gold from California (or “America”). Generally the American miner tolerated the non-English speaking European immigrant, but did not tolerate the Latinos. The lines were often blurred to suit the needs of the bigot of the moment, as history tells us. In later conflicts, we see particularly nasty conflicts with Chinese (non-Anglo), but also against French (non-English speaking). Ultimately most pioneers who came to California in search of gold were not from the United States but were from all over the world.

This superior attitude was recorded through the words of a pioneer doctor, John Baker, who practiced in early Mokelumne Hill. In a letter home to his wife he said “I am still in the land of Indians, Chinese, Negroes, Spaniards, Germans, French etc. etc.” (Editor’s note: the Spaniards were probably Chilean). A few months later he had moved to Jackson and found better surroundings but still with some reservations. He referred to Jackson as a “good and decent camp” with “some

very good buildings, but decidedly, too many foreigners for my taste.”

Such sentiments were openly acted upon, and with apparent governmental sanction. The famed Stevenson Regiment, the only military regiment in Calaveras County from the Mexican-American War, under the command of Colonel Jonathan D. Stevenson was specifically charged with the duty “to oppose Mexico’s designs (and influence) on Alta California and to prosecute hostilities against these ‘foreigners’ whenever warranted.”

In the case of the Chilean immigrants, the racism that struck out at them was also somewhat blurred. The Chileans did not speak English. Since they spoke Spanish, they might have been aligned with the Mexicans who were now considered less than American, despite the Treaty guarantees. They were generally regarded as being bad, like any other Spanish-speaking miner (ie: non-English speaking), whether Argentinian, Peruvian, etc. Suddenly all Latin-Americans were called “greasers”, a term for a Mexican job position from the 1830s that had developed negative connotations by the 1850s. What further inflamed this racial conflict was that the Chileans had something the Anglos wanted: gold.

The indentured servants would stake claims in their own names, then hand over their earnings to their *patron*, or master. This method infuriated the single Anglo miner who was working alone. They resented this vicarious form of labor and wealth-gathering. The miners also resented a slave-owning miner from the south. The prevailing attitude was that a proper miner should be a white man, a United States citizen, probably single, and free to mine for themselves. And since the Chileans had reached the gold fields earlier than most American immigrants, the Americans felt that all the good strikes had been taken up by the foreigners, in particular the Chileans. As Chilean wealth grew, so did the Anglo miners’ anger. This often led to gangs of American miners driving the Chileans, and later Mexicans, from their diggings and camps.

By the summer of 1849, several displaced Chilean miners had relocated to San Francisco to await further instructions from home. They congregated in an area known as Little Chile. Tensions grew, and on the hot night of July 15, fueled by liquor, anti-Chilean sentiment exploded in to violence over a woman, and riots ensued. A group of vagrants known as the “Hounds” prowled the lawless San Francisco streets brazenly inciting savagery under their motto “We can get away with it.” The night saw a rampage aimed at Latinos and most particularly Chileans. The following morning a meeting was held and the first of the famous San Francisco Vigilante Groups was formed. The impeccable Sam Brannan



An insolent Chilean couple, depicted as their enemies saw them in 1849.

spoke in defense of the innocent Chileans and cited their contributions to the city and to California, and spoke strongly against the rioters. He identified the Hounds, led by the notorious Sam Roberts, who was quickly sentenced to ten years hard labor by the vigilante judge William Gwin.

Six months later a second incident involving the Chilean miners again struck a violent cord that had far-reaching repercussions. In Chile Gulch in Calaveras County the Chilean miners had steadily continued to play out the profitable diggings, much to the irritation of the Anglo miners nearby.

### *The Chilean War*

In the winter of 1849, there were complaints by Anglo miners that when a single miner found a strike, he subsequently found himself forced out of his good strike by a well organized band of Chilean miners. This process is known as "claim jumping." There are also several accounts of foreign miners

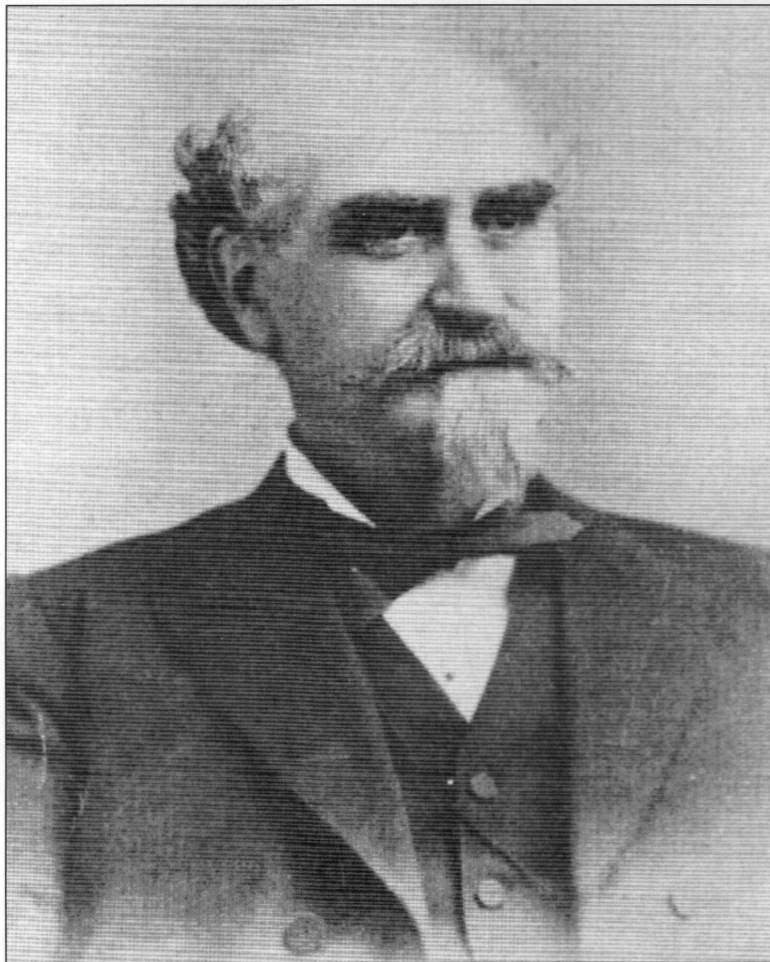
being forced out of their diggings by Anglo miners as well. It is difficult to say who's claim or jump came first in these cases. The Anglo-American miners felt compelled to form a code, or draw up laws to support their rights as United States citizens. On the night of December 9, 1849, a group of miners met at Double Springs to do just that.

Most of what is factually known of the subsequent events, to become known as the Chilean War, are based on the diary John Hovey who claims to have witnessed the affair; or from the Argentinian journalist Ramon Navarro. A possibly more slanted view of the affair may be obtained from the memoir "Gold and Sunshine" published in 1922 by Colonel James J. Ayres, who played a first-hand role in the event when he was taken prisoner by the Chileans.

The miners who met at Double Springs developed a series of articles establishing their rights as American citizens, the first of which was to expel all foreigners and declare that no foreigners would be permitted to work the mines of the Calaveras. They elected as their district judge Lewis Collier. Their first order of business was to expel all foreign miners beginning the following day. The Chileans chose to ignore the order.

In December of 1849 in Chile Gulch, the Chilean miners were loosely governed by a leading figure, Dr. Concha. He had about him about ten top men, his "lieutenants." The remaining population was the indentured servants or *péon* class. The Anglo miners, led by their new leader Judge Collier, stormed the Chilean camp and bound the leaders with rope and proceeded to loot the camp. The hope was that it would scare the Chileans in to abandoning the camp and moving on. It did nothing of the sort.

As history has proven time and time again, the perpetrator of a rash act of racism often underestimates the adversary against whom it was aimed. The Chileans did not move out as hoped, but chose to fight back. What surprised the Anglos was that the Chileans did not take up arms, but chose to fight through legal channels. The Chileans were by and large educated men, and led a civilized life which played out



**Colonel James J. Ayres, one of the sixteen Anglo prisoners captured by the Chileans.**

in their systematic and thereby profitable method of mining which so infuriated the Anglos. The Chileans formed a party that went to Stockton where they complained to the authorities that they had not been treated fairly by Judge Collier. The Chileans' complaint was taken seriously, and they were granted a warrant for Collier's arrest. The warrant was severe indeed, as it blasted the authority of the insolent act of the miners who had met on December 9th at Double Springs to declare their citizenship rights. The warrant authorized the Chileans to bring Collier to Stockton "either freely or by force all of the individuals residing in Calaveras who have defied the legal authority of this sub-prefecture and who have recognized Mr. Collier as a judge."

The Chileans returned to Calaveras County on December 26th and asked John Scollan, the local judge recognized by the Stockton authorities, to enforce the arrest. Scollan was also the local *alcalde*, and proprietor of the trading post at the South Fork of the Calaveras River. But he was reluctant to read the warrant to Collier, as Collier had threatened to kill him and had sworn to hang Scollan as a traitor for aligning with the Chileans.

The dispirited Chileans left Scollan and returned to their diggings. Some of the miners chose to give up on the matter and left the area. Others chose to take matters in to their own hands and retaliated by invading a neighboring Anglo camp called the Iowa Cabins. A poker game was in progress and this was broken up by a gang of armed Chilean marauders. A brief gun battle ensued. One first hand account claims that one American and one Chilean were killed in the brief battle, and another claims that two Americans Endicott and Starr were killed. The *Alta California* newspaper reported that eighty armed Chileans "killed several and injured others." The Chileans bound several of the Anglos to trees and then proceeded to loot the cabins. After the looting, the Chileans took sixteen men prisoners, bound them with rope, and hauled them to Judge Scollan.

Scollan still refused to have anything to do with the Chileans, so the Chileans continued to seek their own justice. They decided to take the prisoners all the way to Stockton, as of course they had the authority to do so as granted by the warrant. But the march to Stockton was a long one, and before they could reach Stockton, word of the Chilean "battle" at the Iowa Cabins had flared tempers among the Anglo

miners in western Calaveras County. A posse was mounted and sent after the Chilean party. Fifteen miles short of Stockton the group was overtaken by the posse sent to rescue the sixteen prisoners. Again accounts vary. Some say the prisoners escaped, some say that the Chileans were overpowered, and others claim that they surrendered peacefully. Regardless, instead of being captors, the Chileans had themselves become captives.

The Chileans were brought back to Calaveras County on December 30th under heavy guard. A heated trial ensued. The impropriety of the December 9th articles of citizenship were overlooked, as well as the legal authority of the warrant the Chileans had for Judge Collier's arrest. The fact that a Chilean miner may have lost his life in the battle was also disregarded. After much legal wrangling, a final sentence was proclaimed on the Chileans where three were sentenced to death for murder, five were sentenced to 50 public lashings and shaved heads, and three were sentenced to 30 lashings and cropped ears. The sentences were carried out swiftly on January 3, 1850. Thus ended the Chilean War.

### ***The Foreign Miners' Tax***

The gruesome ending to the Chilean conflict in Calaveras County did not end the racial sentiments that continued to pervade the growing mining culture throughout the burgeoning mother lode. One must remember that the Chilean conflict occurred at the very beginning of the Gold Rush, and many more foreigners were yet to flock to the gold country. The Chileans quietly left the gulch they had so successfully mined near Mokelumne Hill in early 1850. But only a few months later, legal racism lashed out at all foreign-born miners to an even greater extent.

Two violent events involving Latino miners had occurred in less than a year: the San Francisco riots with the Hounds, and the Chilean War in Calaveras County. These events were cited as justification for the greatest act of legal racism yet, the establishment of a tax on the foreign miners. The influx of foreigners obviously could not be stopped in the tide of people wishing to seek their fortunes in the gold fields, but the English speaking Anglos thought they could at least slow down the competition. Anglo miners were complaining that foreign miners were taking gold that "belongs to the people of the United States." On April 13, 1850 the newly formed

## *Chile Gulch Today*

California Legislature passed the Foreign Miner's Tax. The tax required all foreign-born miners to pay a fee of \$20 per month to mine gold in California. The tax was specifically designed to eliminate Mexican competition in the mines. California gained statehood just five months later.

The outrageous tax served its purpose and did indeed drive many Latino miners from the gold fields. Despite the blatantly discriminatory tax, the Anglos did not feel adequately vindicated, and racism continued to infiltrate the mining camps. Those Latinos that continued to mine in spite of the tax still faced daily criticisms. Only a few months after the passage of the new tax, another conflict flared in another mining camp which led to the only female known to have been lynched in the gold camps in California.

In Downieville to the north a Mexican woman known as Juanita (née Josefa) stabbed a drunk miner who stumbled in to her cabin late in the night after heavy Fourth of July revelry. Although she was clearly involved with another man and had no interest in the drunk Anglo miner, it was alleged that she had lured him in none-the-less. According to her testimony she stabbed him out of fear for her life, in self defense. Her testimony, as a Latino woman, carried no value, and she was found guilty of murder. She was hung for her crime dramatically from the town bridge over the Yuba River on July 5, 1850.

The Foreign Miners' Tax of 1850 proved to be so unreasonable that it was repealed just one year after it was established. Regrettably the underlying sentiment did not die with the repeal. Just two years later another tax was established but this time aimed at the Chinese. A second Foreign Miner's Tax was established in 1852, whereby the foreigner had to pay the fee of \$4 per month. By this time Chinese immigration comprised approximately twenty percent of California's incoming population. One would have expected some semblance of justice or civilization to have crept in to the social structure of the state by this time, but alas it was not to be. (The Chinese in particular had a difficult time fighting legal racism in California, but that is another story). Two years later the fledgling California Supreme Court ruled that a white man charged with murder could not be convicted on the testimony of a Chinese witness. In fact, all foreign miners did not gain the right to testify in their own defense until 1872.

Everyone knows that the early gold mine towns were often lawless, liquor-fueled camps of men without boundaries or rules. It was nearly impossible for the provisional governments to maintain justice in the fluid, emotional population. Early "justice" reacted to the situation and sentiment at hand, which could change with the wind. Today it is hard to believe that our state at one time actually sanctioned a racially discriminatory tax, not once but twice. But such was the attitude of gold-fevered early California.

In the early years of the formation of California's justice system, there were 380 cases of lynchings held between 1849-1902. Half of those occurred between 1849 and 1853, and most were Latino victims. The Anglo California miner was often backed by the law, or certainly backed by the power of the mob. Ultimately the discriminatory attitude was backed by the state of California, in that the Anglo miners found legal recourse to discriminate against the diligent Chilean or other foreign miners through such laws as the Foreign Miners' Taxes. Whether we wish to admit it or not, overt racism has played a prominent role in shaping California's history, and Calaveras County has done its part to contribute to that history.

What was so unique about the Chileans is that they were among the first immigrant miners to reach California at the first sound of the cry of *gold!* The Chileans had the misfortune of stumbling in to the mother lode country just after the Mexican American war and being mistaken for Mexicans, the people who had just been at war with the new conquerors of the land. And the Chileans had the audacity to fight back, sometimes with guns and knives, and sometimes through legal recourse. In retrospect some legal experts question the authority, much less the wisdom, of the Stockton authorities for having granted the warrant to the Chileans to carry out. Regardless, what is known is that the Chileans attempted to *resolve* the conflict first rather than through violence, yet they were punished as the criminals.

Some Chileans moved to other locations in the county. Descendants of the original Chilean miners lived for generations in Campo Seco (see *Las Calaveras*, January 1956). On a more sour note, Calaveras County's legendary sheriff Ben Thorn is

credited with having shot a Chilean during his term (see *Las Calaveras*, 4/97).

The area around Chile Gulch continued to attract miners and other businesses for many years. Chile (or "Chili" as it is sometimes spelled) Junction at the southwest end was a thriving crossroads.

The grand Ambuster Hotel was built in 1851 in Chile Flat near the junction. Several stone buildings were constructed in the area. The first school was established there in 1857, and attempted to change its name to "Pine Grove" in 1866. Recollections of the first miners were too strong though, and the historic name was restored to the Chile Gulch School in 1873. The district supported the school, two polling locations that served over 2000 voters each during elections, two hotels, and a "resort", among other things.

After the affects of hydraulic mining in the late 1800s, the shape of the ravine had changed and is much different today. The hydraulic mining led to another product from mining: aggregates. The largest known quartz crystals were mined from this gulch. They were of such a high quality that they supplied radio crystals during World War II. Road rock and

other refined aggregate products were extracted from the gulch until as recently as ten years ago.

As for the scurrilous Judge Collier, he remained quite a colorful character in early Calaveras County history. He was a founding officer in the new county as one of the original 27 counties when California gained statehood in 1850. It is amusing in retrospect to see that early in his "legal" career he lashed out against foreigners, yet when he served as County Clerk he seemed to embrace them. Or at least he embraced the potential for wealth that they represented. Later in his career as County Clerk he was reputed to have naturalized as many as sixty foreigners in one day, all of whom paid a tax for the privilege. He personally pocketed those fees, as well as many others, not to mention miscounted many an election return. Such irresponsible deeds on his part were what led to his demise. He met his fate in 1852 when he again stole too many of his fees and was shot by another infuriated judge. See *Las Calaveras*, July 1991. Odd that a judge who threatened to hang another judge for carrying out the law should later himself be shot by a third judge infuriated that the first one was in fact a thief.



**Chili Junction as it appeared in 1930. Little has changed since then, and the stone buildings appear much the same still today.**  
*Photo courtesy of the Historical Society.*

Forty years after the Chilean War, memories of the events were still raw and far-reaching. Back on the home shores of Chile, the native Chileans had not forgotten the way their adventuresome ancestors had been mistreated in California. In October of 1891 some U.S. sailors from the naval cruiser the *Baltimore* were on shore leave. They were attacked by a mob of Chileans, in an apparent act of aggression on the part of the Chileans. Two sailors were killed and the event set off an international backlash. Newspapers attributed this violence in Chile to a lingering animosity over the hatred and mistreatment that the Chileans had experienced in the California Gold Rush. United States and Chilean relations were severely strained and war seemed imminent. After much delay, Chile finally agreed to reciprocity and made settlements to the injured and families of the dead totaling \$75,000.

Calaveras' Chilean War touched on many lives, and extended further than the Foreign Miner's Tax at the state legislature. The players were honest men turned victims, or new judges corrupted by power. The legal system found itself justified in racial discrimination. The affect of the local "war" crossed international boundaries and emotions for decades. Our story began and ended with a ship in the harbor of Valparaiso, Chile. Such were the twists behind the affair known as the Chilean War.

For a full account of the Chilean War, readers are directed to the piece by Algerian journalist Ramon Jil Navarro from the book *We Were 49ers!*

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## NEW BOOK BY LOCAL AUTHORS

Three local writers have collaborated to produce a new history book concentrating on Calaveras County's northern communities including Burson, Camanche, Campo Seco, Jenny Lind, Mokelumne Hill, Paloma, San Andreas, Valley Springs, Wallace and West Point. Northern Calaveras County by Judith Marvin, Julia Costello and Sal Manna is published by Arcadia Publishing in Mount Pleasant, S.C., and is another edition in their popular Images of America series.

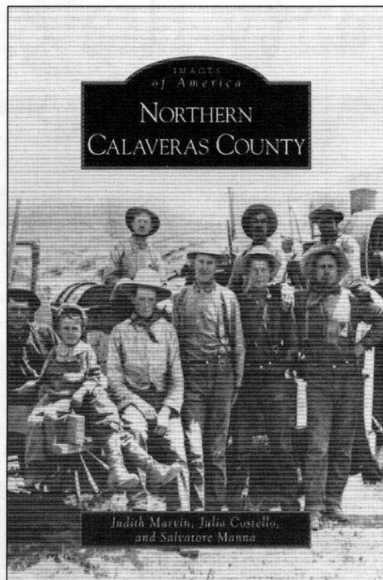
The northern part of Calaveras County has historically been tied together by two resources: water and trails. The region stretches eastward from the valley towns of Wallace and Jenny Lind, through the Campo Seco and Mokelumne Hill gold country,

reaching the county seat in San Andreas, and extending to the up-country mining camps and logging settlements of Railroad Flat and West Point. It was the Mokelumne River and its tributaries, diverted into flumes and ditches, that brought water to the river bars, mines, ranches, settlements, and towns, and provided their lifeblood. Trails first followed Indian paths and then developed into stage roads, state highways and, to the west, a railroad. These routes connected the valley to the mountains and carried men and women seeking gold, water, fertile land for agriculture, timber, and recreation, to new lands on which to build new lives.

Historian Judith Marvin, archeologist Julia Costello, and writer Sal Manna, with the assistance of



local geologists, ranchers, researchers, and descendants of pioneer families, selected their favorite photographs and stories to reveal the historic matrix of this region and the character of its citizenry. Depicted along the way are the lives of Mexican, Chilean, Irish, French, Italian, German, Chinese, and American miners, as well as the stories of settlers, ranchers, loggers, and merchants. The result is a fascinating portrait of the northern portion of one of California's original and most storied counties from prehistory to the Gold Rush to the twenty-first century.



Judith Marvin, Julia Costello, and Salvatore Manna

Readers of *Las Calaveras* are familiar with all three authors of this new book, as each has contributed articles to this journal in the past, as well as being a local historian of note. Judith Marvin, for many years the curator and director of the Calaveras County Museum and Archives, has served as historian for a wide range of cultural resource projects throughout California, for public and private agencies including the California Department of Transportation and the National Park Service. A graduate of the University of California, Berkeley, she is a recognized expert on the State's architectural resources.

Archaeologist Julia Costello, an authority on cultural resource management of historic sites in the Western U.S., has served on the California State Historical Resources Commission, and as President of both the Society for Historical Archaeology and the Society for California Archaeology. She received her Ph.D. from the University of California, Santa Barbara. Marvin and Costello are partners in Calaveras County-based Foothill Resources, Ltd., a cultural resources firm they founded in 1983.

Writer and journalist Salvatore Manna has written features on a wide variety of subjects for magazines such as *Time*, *Playboy* and *Los Angeles*, and newspapers from the Los Angeles Times to the Boston Herald. A graduate of the Medill School of Journalism at Northwestern University, he is the President of the Society for the Preservation of West Calaveras History, which he

founded in 1996. Manna currently writes the popular "Something From Nothing: The Early History of West Calaveras County" historical series published the first Wednesday of every month in *The Valley Springs News*.

All three authors are pleased to note the valuable contributions of local residents Don Ames of Glencoe (another *Las Calaveras* contributor), and Pat McGreevy of West Point. The book features approximately 200 photos from sources such as the Calaveras County Historical Society and

private and personal collections. "Some of the photos will be found no where else", says author Manna. All of the photos have been re-mastered to look as good as they ever have or ever will.

"Anyone who is interested in Native Americans, gold mines, logging, ranching, farming, early family life and railroads will find something of interest in the book," Manna said. "Residents, longtime or new, should be interested in this book because it tells the story of where they live and no other book does that," Manna said, "and I hope they will also give it to friends and family outside of this area to tell them about the place they live in." Although primarily a book on the area's history, the final chapter also takes a look at the present, and speculates on the area's future as well.

Of particular note is the fact that the authors have chosen to donate their proceeds from the sale of the book to their historical endeavors of choice. The book will be available through the authors and at area bookstores and retailers. One can obtain a copy from the Society for the Preservation for West Calaveras County History, by calling 209-772-0336. The book is also available at the Willard P. Fuller Book Store of the Calaveras County Historical Society, and it will make a fine holiday gift to be proud of.

These authors have donated their proceeds specifically to the Calaveras County Historical Society, the County Archives, The Society for the Preservation of West Calaveras History and the Moke Hill Historical Society.

# Calaveras County Historical Society

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The Calaveras County Historical Society is a non-profit corporation. It meets on the fourth Thursday of each month in various communities throughout the County. Locations and scheduled programs are announced in advance. Some meetings include a dinner program, and visitors are always welcome.

The Society operates the Calaveras County Museum which is open daily from 10:00 to 4:00 in the historic County courthouse located at 30 Main Street in San Andreas.

The Society's office is located in historic San Andreas, the Calaveras County seat. Visitors are always welcome to stop by the office for assistance with research, and are encouraged to visit the museum while in the area. The office is open Monday through Friday from 8:30 to 4:00, and the telephone number is (209) 754-1058, or contact us at: CCHS@goldrush.com.

## Donations

The Historical Society is grateful for the following donations:

### June 2007

Photos of Helen Turner—Jan Penn, Monterey, CA

Photos—West Whittaker, Berkeley, CA

### August 2007

Photo of Russell Leach—Bonnie Leach, San Andreas

Photos and campaign cards—Genochio family, Mokelumne Hill

## New Members

The Historical Society welcomes the following new members:

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Keith Kraft, Florence, OR  
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