"We know them all as men who shall receive the protection of the law": Chinese Participants in the Courts of Port Townsend, Washington Territory

by

Glynnis Kirchmeier

B.A., The University of Puget Sound, 2010

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in

The Faculty of Graduate Studies

(History)

THE UNIVERSITY OF BRITISH COLUMBIA
(Vancouver)

August 2013

Abstract

Studies of the relationship between American law and Chinese migrants in the nineteenth century have focused upon the legal, administrative, and social effects of the Chinese Exclusion Act (1882), elite merchant use of contract law, and the failure of law enforcement to address or prevent mass anti-Chinese violence by whites in the mid-1880s. The literature has neglected, however, detailed inquiry into the practices of everyday law, or the legal resolutions of mundane, small stakes conflicts in specific local contexts. For Port Townsend, Washington Territory, study of the practice of law during the territorial period reveals that in this locality, Chinese litigants of transient or labourer status could access the court to recoup unpaid debts and, rarely, to redress instances of everyday violence. The professionals of the courts - judges, clerks, and lawyers - as well as juries of whites from the community, all regularly granted Chinese defendants and litigants their rights to testimony and due process throughout the territorial period. This is significant because the court system granted the rights even during moments of anti-Chinese political power, which shielded some defendants from the effects of racially targeted municipal ordinances. The evidence also shows that coercive and punitive aspects of migrant-official legal relations, including the refusal to grant a defendant's rights, did not enter into other areas of law beyond the charges under the Exclusion Act. It is also significant because indigenous peoples in Washington Territory (and, in Port Townsend itself, the Klallam and Chimakum) consistently endured far fewer rights and rights which changed more drastically within the American legal system at the same time, thus signalling that white Americans judged Chinese to be more like themselves than indigenous peoples. The unenthusiastic efforts of law enforcement to punish everyday violence against Chinese victims, however, shows that whites did not consider Chinese victims worth protecting except in cases where community actions clearly sanctioned official action.

Preface

This thesis is the unpublished product of original and independent intellectual work by its author, Glynnis Kirchmeier.

Table of Contents

Acknowledgements

My first and deepest thanks go to my supervisor, Jessica Wang, for her patient and able guidance of a project which has endured some bumpy roads. This thesis benefited very much from coursework and challenging conversations with Jessica, Coll Thrush, and Henry Yu, and I thank them for all their help. In my time at the Department of History, I enjoyed wonderful support and stimulating scholarly discussions from faculty, fellow graduate students, and staff.

My productive experience in the archives was due to the enthusiasm and knowledge of a variety of staff and volunteers. I want to particularly thank Megan Shoemaker and her colleagues at the Northwest Regional Branch of Washington State Archives in Bellingham, Washington, especially a volunteer I never met who created an indispensable annotation of every single Frontier Justice case file in Jefferson County. I also want to thank the staff and volunteers at the Jefferson County Historical Society.

Although some of the earlier drafts were very different from the final product, every reader's feedback provided aid in reshaping my thinking and sharpening my argument. My thesis would not have been as strong without the help of Michel Ducharme, Elizabeth Knowland, Eric Wright, Randy Singh, and the members of the thesis preparation course.

Introduction

In December 1880, a man named Ah How filed a complaint in Justice Court in Port Townsend, Washington Territory.[1] The court clerk filed his complaint in the same case file as two other complaints both by Chinese workers who, like Ah How, had not been paid by the defendants. Ah How claimed that former Jefferson County sheriff Benjamin S. Miller and his partner James Jones had defaulted on a debt of around fifty dollars, owed since November 19.[2] Justice of the Peace John T. Norris ruled in favour of the plaintiff since the defendants did not contest the claim after being served notice. However, shortly thereafter they filed an appeal before another Justice, Allen Weir, who allowed the appeal to the higher Third District Court to proceed. The consequences of the appeal are not included. These details of the case are the only remaining official record of Ah How's legal action.

Cases like this civil suit, though they characterized the regular and everyday business of the courts, have generally been ignored in studies of the relationship between Chinese migrants and the American legal system in the nineteenth century. Historical inquiry into this relationship has focused instead upon the 1882 Chinese Exclusion Act, immigration law, and mass violence against Chinese victims. Exclusion prohibited the movement of almost all Chinese people to the United States and denied them naturalized citizenship for the next 61 years.[3] The consequence for violators of this law against free movement - deportation - was unprecedented in the nineteenth century and generated a variety of creative behaviors for migrants who needed to evade official attention. Challenges to the

1. *Ah Han v. Griffith et al.,* Case File 390, NWRB-Bellingham (1880).
2. Several amounts for Ah How's claim are listed in the case file, but the final amount he was granted from Miller and Jones was $50.90 plus interest and court costs. Miller served three terms as sheriff in the late 1870s and early 1880s, after opening a jewelry business and after which he operated a contracting business (presumably with Jones) and a real estate firm called Miller and Burkett. Thomas W. Camfield, *Port Townsend: An Illustrated History of Shanghaiing, Shipwrecks, Soiled Doves and Sundry Souls* (Port Townsend, WA: Ah Tom Publishing, 2000), 60-61.
3. Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003), 23-25, 43-46.

Exclusion Act produced legal decisions which shaped basic questions about the rights of migrants and American citizens. Enforcement of it informed administrative practices in immigration law that dramatically altered demographic outcomes for the general American population - eventually, fewer Chinese migrants were able to enter the country. Its enforcement traumatized Chinese American and other migrant groups who were also targeted by laws limiting their movement. Meanwhile, whites all over the country in the mid-1880s took part in acts of mass violence against their Chinese neighbours and perceived economic competitors. The Exclusion Era also generated documents, in the form of Immigration and Naturalization Service (INS) interviews and in unprecedented interactions with the courts. Suddenly, prosecutors filed large numbers of charges against Chinese people who pushed back by filing writs of habeas corpus[4] - often successfully - to protest their arrests. For these reasons, Exclusion's impact has driven much of the inquiry into the relationship between Chinese migrants, Chinese Americans, and American law.

Relatively understudied is the question of how practices of everyday law shaped that relationship, especially prior to Exclusion. Analysis of everyday law offers insight into Chinese migrant experiences, such as the ways in which class standing affected the kinds of cases Chinese litigants brought or the rights they were granted. Everyday law informs the legal history of Exclusion, too, testing the extent to which aspects of Exclusion affected other areas of law or the extent to which it did represent a break from prior legal practices. This study of the courts of Port Townsend, Washington Territory from 1853 to 1889 encompasses most of the nineteenth century migration history of Chinese and includes the early years of the Exclusion Era. Despite courts' claims to neutrality or abstract application of law like the one in the title of this study, the social context of Port Townsend determined

4. Habeas corpus is a petition to a judge from an arrested person which demands that the judge review the evidence for the arrest and release the person if they are wrongfully held. It can be brought either by a prisoner or by someone on their behalf.

the extent to which law, and particularly the rights granted by law, actually mattered for defendants, litigants, and alleged criminals.

Port Townsend in Jefferson County, Washington Territory, offers a few advantages for studying the actions of everyday law. It existed for nearly the whole territorial period (1853-1889) and was an administrative centre for most of it, with the seat of the Third Judicial District Court and the United States Customs office located there in the 1850s. Thus Jefferson County, along with Pierce and King Counties, had the greatest number of civil and criminal cases filed due to easy court access for both civil plaintiffs and law enforcement. Port Townsend's physical location also mattered in wider political conversations about immigration policy, and thus its legal records could be expected to show the influence of national attention to immigration enforcement. When white supremacists fretted about hordes of Chinese flooding across the Canadian border with only one Customs office to stop them, they were talking about Port Townsend.[5]

Given the above, then, what was the everyday relationship between the American legal system and Chinese plaintiffs, defendants, and victims of crimes? How did the socioeconomic class of Chinese litigants and defendants affect legal outcomes? What was the relationship like before and beyond the well-studied impact of the 1882 Exclusion Act? How did anti-Chinese politics filter into the mundane business of property and commercial disputes, revenue collection, and individual brawls?

Evidence from the courts of Port Townsend through the territorial period show four conclusions about the operation of everyday law for Chinese people interacting with the legal system there. I demonstrate first that Chinese transients and labourers[6] initiated contact with the courts in contract law

5. Robert E. Ficken, *Washington Territory* (Pullman: Washington State University Press, 2002), 191.

6. My definition for transient labourers follows the literature's existing focus upon the distinction between labourer and merchant, discussed in the historiography section. However, the relevant features for my definition are a new migrant with few personal ties to a specific area (but who may have been in the United States or North America for much time previously) and who lacked facility in English. Such a migrant may actually have had some education or money, but his assets were not tied up in a local property or business, and if he did not plan to stay semi-permanently in a given area he

more often than has been previously supposed, but because their cases were for low financial stakes, the Justice of the Peace (JP) courts handled them. They also filed complaints protesting violence against them. Second, I argue that Port Townsend's courts - judges, lawyers, and juries - sanctioned Chinese access to several legal rights, including the right to testify as a witness even against whites, to have contracts enforced, and defendants' rights to legal counsel and the presumption of innocence. This is significant because courts in other localities, such as California, denied Chinese access to those rights, while in Port Townsend itself indigenous peoples were denied access as part of a strategy to assert colonial power. The consequence of the court granting the rights to Chinese was that the legal system protected Chinese people and businesses from a wave of anti-Chinese municipal ordinances from the late 1870s through the 1880s, thus thwarting anti-Chinese political manoeuvring. Third, I argue that the evidence shows that the Exclusion Act did not impact the willingness of the court to grant rights to Chinese, at least before the end of the territorial period 1889. Fourth, the details of cases of violence against Chinese show the ways that bystander action aided the limited ability of law enforcement to capture suspects, connect victims to legal counsel, and gather evidence about crimes, thus indicating when the broader community sanctioned legal action against a person who assaulted a Chinese victim. Bystander action occurred when an act of violence threatened their perception of the fairness or efficacy of American law. In the Territory, Americans assessed their institutions on the binary of civilization and savagery. Chinese victims of violence, then, could sometimes earn redress if bystanders felt an act of violence threatened a sense of law and order.

The major primary sources for this study are the case files and court journal of the Third Judicial District of Jefferson County. They were found through the digital Frontier Justice Database,

would work what unskilled labour jobs were available. An elite or upper socioeconomic class of Chinese, in contrast, will have many longstanding social relationships in a given area, some capital in a business, and strong English skills. They were usually used as cultural and legal brokers between English speakers and Chinese speakers.

which contain brief summaries of all court cases in Washington Territory, 1853-1889.[7] Some of the cases have important limitations which at times require informed conjecture to overcome. First, much of the business the courts conducted did not make it into either the court journal (which served as a centralized document of the court's daily activities and typically recorded basic facts of a case like plaintiffs, lawyers, and so forth) or the case files (which included supporting documents). The court journal and case files also focused mostly on the business of the Third District Court and not the lower Justice of the Peace or Probate courts, even though those courts handled most of the civil complaints. Particularly for cases that occurred earlier in the territorial period, sometimes the only record of court activities are found in atypical legal sources like diaries or regional newspapers. The limitation of time has restricted my ability to make use of such sources both to supplement knowledge of court activities and to discern wider social commentary on a given case.

Second, case files were usually incomplete. Ideally a civil case file would include the plaintiff's initial statement, a defendant's plea or reply, a record of evidence submitted to court, warrants, bonds, and subpoenas, statements of fees owed to officials for their services, testimony and cross examinations, and a verdict. For criminal cases, there would also be official depositions, jury instructions, a list of witnesses and witness statements, a list of potential jurors and the final jury picks, and trial jury verdicts. In reality, many case files consist of a note by the clerk of the type of case, parties, and date filed. Often the verdict but not other relevant outcomes were noted, such as who was responsible for paying fees or what happened to a guilty defendant (especially for civil cases). Clerks more consistently included documents like fee lists,[8] bonds, subpoenas, and verdicts, but sometimes

7. The Frontier Justice Database was constructed by volunteers from existing case files for the state's centennial in 1989 and. Cases which were only recorded in the court journals and did not produce case files, like successful naturalization applications, do not appear in the database. "Washington State Archives - Digital Archives," search by name or keyword in Frontier Justice Collection, Washington State Archives, http://www.digitalarchives.wa.gov/.

8. Fees were owed to officials for carrying out their duties, including charges for miles travelled, subpoenas or warrants served, arrests made, and documents filed. Subpoenaed witnesses travelling a substantial distance to Port

even these lacked key information, such as for which side a subpoenaed person testified. Occasionally even the plaintiff's initial statement was missing. Generally, it is impossible to determine which points of law a defendant's lawyer used to contest charges, or how a plaintiff responded. In summarizing the cases below, I have included almost all the existing and relevant information, and must often use the few cases with more complete case files to inform my suppositions about similar cases.

The structure of this study is as follows. I cover the historiographical discussions regarding American law and Chinese migration, as well as the specific studies of the Pacific Northwest. I begin my own analysis with the social context of Port Townsend and the practical difficulties of enforcing law there. Then I discuss the evidence of Justice courts and contract law participation by Chinese of lower socioeconomic class. Next, I analyze the rights granted to Chinese witnesses, plaintiffs, and defendants, and how those rights helped defendants overcome the legal charges from anti-Chinese ordinances beginning in the late 1870s. I also review the evidence related to the Exclusion Act's lack of an impact on those rights. Finally, I end with a close examination of several cases of violence. I examine how bystander action provided practical aid to law enforcement for some cases of violence against Chinese victims, making it possible for those cases to come before the courts. Such action shows the community sanction of Chinese access to redress for violence when the unpunished violence would imply that American law lacked consistency and justice, and therefore so did American governance in the colonial setting.

Townsend were also reimbursed by the court. The fee lists I have seen in various documents show that there was no difference by race for the amount paid to witnesses.

Historiography

First, I review the literature on Exclusion. I provide a brief overview of its restrictions and the arguments about how it worked to shape the operation of immigration law and social realities. Next, the existing arguments are given for the ways that class affected interactions with law and Chinese migrants and Chinese settlers in Pacific Northwest context. General strategies used by Chinese to resist or mitigate the negative effects of law are also briefly discussed. I then move on to studies on the relationship between American law and indigenous peoples in nineteenth century Washington, which show that American law in the Territory had been self-consciously set up to oppose indigenous methods of conflict resolution. I conclude with the studies on violence against Chinese, which focus upon mass violence rather than everyday violence.

The 1882 Chinese Exclusion Act's racial assumptions, the citizenship rulings rising from challenges to it, and the methods by which it was enforced all affected the long term administration of immigration law. The act limited the migration of all Chinese except for merchants, students, diplomats, and the families of people already in the United States. It also explicitly prevented Chinese from being naturalized, though a ruling in a California court in 1878 had done the same, which meant the category of "citizen" was by definition non-Chinese.[9] Exclusion came about as the result of sustained and hysterical politicking on the part of representatives from California, which was a national leader on viciously violent anti-Chinese politics from the 1850s onward.[10] Erika Lee has called the

9. Ian Haney-López, *White by Law: The Legal Construction of Race* (New York: New York University Press, 2006), 45.

10. Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1971). Gwendolyn Mink, "Meat vs. Rice (and Pasta): Samuel Gompers and the Republic of White Labor," in *Racially Writing the Republic: Racists, Race Rebels, and Transformations of American Identity*, edited by Bruce Baum and Duchess Harris (Durham: Duke University Press, 2009), 145-162. Sucheng Chan, ed., *Entry Denied: Exclusion and the Chinese Community in America, 1882-1943* (Philadelphia: Temple University Press, 1991). Charles McClain, *In Search of Equality: The Chinese Struggle against Discrimination in Nineteenth-Century America* (Berkeley: University of California Press, 1996).

Exclusion Era the beginning of the "gatekeeping" strategy of immigration law, whereby American officials imagined the official border as a legal wall and migrants as criminals if they crossed it other than through a legal gate.[11] George Peffer shows, however, that the groundwork for Exclusion actually began in 1875 with the Page Act, which limited the migration of prostitutes - interpreted in practice to mean all Chinese women except for merchants' wives.[12] The Page Act required the Hong Kong consul to filter applicants for migration at a distance from the United States, which later became the standard administrative tactic for limiting unwanted migrants. Later immigration policy enacted different forms of restriction depending upon the racial group being (partially) excluded, according to Mae Ngai in her study of immigration policy from 1924 to 1964.[13] Ngai points out that potential migrants from Mexico, for example, could migrate temporarily under the government-run contract labour program (intended to end illegal migration), but the alternative of illegal migration continued because it had some advantages for both migrants and potential employers.[14] In contrast, Filipino migrants brought their colonial status as "nationals" but not full citizens with them, and thus the tricky question of what rights individuals from territories had, especially since Americans wanted to exclude them based on their race.[15] Erika Lee, in contrast, argues that the initially anti-Chinese immigration policy leaves its particular influence on all immigration law until the present day.[16] The Immigration Act of 1924, which established quotas for migration limited to two percent of the existing population and which is the reason quotas by nation are used in today's immigration law, reinforced specific restrictions for Asians. Lee also claims historical continuity in the ways that immigration officials mistreated or denied rights to potential

11. Lee, *At America's Gates*, 6.
12. George Peffer, *If They Don't Bring Their Women Here: Chinese Female Immigration Before Exclusion* (Urbana: University of Illinois Press, 1999). Peffer has shown that this Act was quite effective at reducing the proportion of female migrants between 1875 and 1882 compared to an earlier migration.
13. Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004).
14. Ngai, *Impossible Subjects*, 138-158.
15. Ngai, *Impossible Subjects,* 97-126.
16. Lee, *At America's Gates*, 245-256.

migrants.

Analysis of Exclusion has emphasized legal precedents rather than everyday law, because expert judicial decisions suddenly had to weigh the rights of migrants versus the rights of officials in enforcing Exclusion. Initially, judges tended to grant individuals rights of defendants, including for their testimony to be trusted by the court.[17] Officials who zealously enforced Exclusion clashed with judges, since officers enforcing Exclusion would ignore the rights of migrants they detained. But by 1905 the judiciary chose to abstain from ruling on individual cases. Lucy Salyer has elucidated the process by which federal judges removed themselves from overseeing the Bureau of Immigration from 1891 to 1905.[18] They gradually defined Chinese and other foreign people as not inherently entitled to the protections of the American legal system.[19] In 1878, Chinese migrants were rejected as candidates for naturalization and legal rights for migrants became more and more tied to one's citizenship status through the nineteenth and twentieth centuries.[20] Simultaneously judges granted broad discretion to Bureau of Immigration agents, despite acknowledging that their standard practices would not hold up to the standards of the courtroom.[21]

Existing studies of the relationship between the legal system and Chinese in the Pacific Northwest have tended to focus on the experiences of economic elites, who admittedly did most frequently file civil cases. Like other potential litigants, Chinese migrants used the legal system if they learned to expect potentially positive outcomes. Adam McKeown has pointed out that migrants already expected a government which was highly bureaucratic, generally absent from regulating everyday life

17. Christian Fritz, "A Nineteenth Century 'Habeas Corpus Mill': The Chinese before the Federal Courts in California," *American Journal of Legal History* 32 (1988): 372.
18. Salyer, *Laws Harsh as Tigers,* 33-116.
19. Salyer, *Laws Harsh as Tigers*, 94-116.
20. Haney-López, *White by* Law, 35-55. The rejection of Chinese naturalization did not, however, prevent other Asian migrants from trying a wide range of strategies to argue for their own access to citizenship, with some success for a handful.
21. Salyer, *Laws Harsh as Tigers*, 90-93. Lee, *At America's Gates*, 47-74.

yet with adjudication accessible for the motivated, and out for its own interests rather than pursuing an abstract sense of justice for all. These expectations were based on their experiences with the Qing Dynasty's legal system.[22] Todd Stevens has shown for the Pacific Northwest that contract law frequently yielded fair outcomes even at high monetary costs to whites.[23] He has argued that for Oregon and Washington, elite labour brokers functioned as intermediaries between labourers and white officials, employers, and notables. They legally and politically spoke for workers and filtered their access to the legal system.[24] They negotiated group contracts, hired security, and paid workers some of their wages if an employer reneged on a contract. Then the labour broker filed a claim in civil court on behalf of the workers and collect the wages plus interest at the end of the case. However, the Justice Court records show that non-elite Chinese who brought their own contract law cases without labour brokers as intermediaries.

The distinction between labour brokers, monied merchants, and labourers has been drawn fairly distinctly by both historical subjects and historians.[25] Legal "merchant" status became complicated after 1882 since Exclusion defined migrants only as merchants, labourers, students, diplomats, or families of "exempt classes" which lead "labourers" to pursue merchant status so they could enter the United States legally. Discrimination against labourers also translated into the social realm. Aaron Coe argues that anti-Chinese attitudes in Astoria, Oregon focused upon the supposed faults of labourers. After Exclusion prevented new non-merchants from resettling there, Astoria's white citizens treated their Chinese residents with respect and affection.[26] While attention to the gap between unskilled labourer

22. Adam McKeown, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900-1936* (Chicago: University of Chicago Press, 2001), 101-104. Todd Stevens, "Brokers Between Worlds: Chinese Merchants and Legal Culture in the Pacific Northwest, 1852-1925" (Ph.D diss., Princeton University, 2003), 48-49.
23. Stevens, "Brokers Between Worlds," 14, 125-135.
24. Stevens, "Brokers Between Worlds," 59-153.
25. Stevens, "Brokers Between Worlds," 4-15. Kornel Chang, *Pacific Connections: The Making of the U.S.-Canadian Borderlands* (Berkeley: University of California Press, 2012), 17-53. Aaron Daniel Coe, "Chinese Merchants and Race Relations in Astoria, Oregon, 1882-1924," (Master's thesis, Portland State University, 2011).
26. Coe, "Chinese Merchants and Race Relations in Astoria," 36-52.

and rich merchant is a fair interest if the economic world in question focuses upon large groups of labourers working in isolated mining or railroad camps, Port Townsend's economy was much more varied, with several economic modes available and a porous boundary between elite and labourer.

For laws they regarded as illegitimate, particularly laws restricting movement, Chinese used a variety of strategies to avoid attention or mitigate consequences. Some of these strategies depended upon the willingness of a court to uphold its own standards of law for them, like hearing writs of a habeas corpus, granting defendants the presumption of innocence, and allowing them to contact lawyers. Other strategies included filing anti-discrimination lawsuits, using false names, getting white allies (especially important for merchants) to testify as to one's identity and respectability, labour contractors hiring experienced white lawyers on retainer, and avoiding known officials by either staying in rural areas or by hiding if they came to inspect a work site.[27] The record for Port Townsend confirms much of the existing literature's insight into the assertiveness, canniness, and affirmations of self-worth that Chinese exhibited in all their interactions with the legal system.

The best existing histories of the overall practice of law in the Pacific Northwest focus upon the interaction between indigenous peoples and colonial law. American law in Washington Territory functioned as a colonial enterprise, meant to justify the expropriation of lands from indigenous peoples and undermine their sovereignty.[28] The legal system granted Chinese litigants, defendants, and victims certain protections that it denied indigenous peoples, namely the right to testify in court and file legal complaints.[29] The ultimate significance of such protection is that nineteenth century whites perceived

27. Erika Lee, "Defying Exclusion: Chinese Immigrants and their Strategies During the Exclusion Era," in *Chinese American Transnationalism: The Flow of People, Resources, and Ideas between China and America during the Exclusion Era*, edited by Sucheng Chan (Philadelphia: Temple University Press, 2006), 1-21. Fritz, "A Nineteenth Century 'Habeas Corpus Mill,'" 347-372. Chang, *Pacific Connections*, 17-53. Stevens, "Brokers Between Worlds," 137-139. McClain, *In Search of Equality*, 13-42.

28. Alexandra Harmon, *Indians in the Making: Ethnic Relations and Indian Identities around Puget Sound* (Berkeley: University of California Press, 1998), 43-71.

29. Brad Asher, *Beyond the Reservation: Indians, Settlers, and the Law in Washington Territory, 1853-1889* (Norman: University of Oklahoma Press, 1999), 61. Though I do not discuss them in this thesis, the legal system also granted Chinese

Chinese as more "civilized," and closer to white society, than indigenous peoples, a difficult conclusion to realize if analysis is limited to Chinese legal cases.

Alexandra Harmon's work establishes that white and indigenous people socially constructed the indigenous "race," which frustrated administrators in the legal system tasked with carrying out legal restrictions based on supposedly fixed, hierarchical racial categories.[30] Harmon persuasively argues that the social realities of the nineteenth century Puget Sound disconnected with the legal imperative to define the category "Indian," the stakes of which defined the progress of American civilization in defeating indigenous savagery.[31] The conclusion dovetails with wider legal histories which show how whites imagined a strict binary between civilization and savagery, that judges struggled with the lack of defensible, uniform standards for legal race or citizenship exclusion based on race, and that American citizenship was fundamentally ordered by aspirations to racial hierarchy.[32]

Brad Asher's work examines the same archive used in this study, offering a specific points of comparison on issues of testimony, and legal responses to violence.[33] Indigenous people could not testify or file complaints in courts from 1854 to 1873.[34] As I show, Chinese testimony rights were unrestricted until they were suspected of violating the Exclusion Act. Like Chinese victims, indigenous victims of everyday white violence rarely had recourse to legal redress.[35] He also shows that courts spent their limited enforcement capability on stopping liquor sales to indigenous people, which

---

rights of family law, inheritance, marriage rights, and birthright citizenship for children. These rights for indigenous peoples underwent complicated changes in the nineteenth century, but they were far less favourable than for Chinese litigants. Asher, *Beyond the Reservation*, 63-73.

30. Harmon, *Indians in the Making*, 72-102.

31. Harmon, *Indians in the Making*, 4-12, 43-71, 57.

32. Paige Raibmon, *Authentic Indians: Episodes of Encounter from the Late-Nineteenth-Century Northwest Coast* (Durham: Duke University Press, 2005). Haney-López, *White By Law*, 78-108. Christina Duffy Burnett, "Empire and the Transformation of Citizenship," in *Colonial Crucible: Empire in the Making of the Modern American State*, edited by Alfred W. McCoy and Francisco A. Scarano, 332-341 (Madison: University of Wisconsin Press, 2009), 332-333. Ngai, *Impossible Subjects*, 56-167.

33. Asher, *Beyond the Reservation,* 61-117, 154-192.

34. Asher, *Beyond the Reservation*, 61, 71, 73, 77, 92.

35. Asher, *Beyond the Reservation*, 154-192.

revealed a division between legal professionals and the wider white community which provided the liquor.[36] Asher also shows that Territorial justices presided for long periods of time over sometimes dramatic changes in federal Indian policy, and that they were responsive to adapting to these changes, as Christian Fritz, Lucy Salyer, and Todd Stevens also show for immigration policy enforcement.[37]

Finally, the existing historiography for the Chinese experience in the Pacific Northwest (and in the nineteenth century generally) has rightly focused on the mass anti-Chinese violence of the mid-1880s. Jean Pfaelzer has collected most instances of anti-Chinese violence discussed in the press during the nineteenth century and documented its wide spread in her book *Driven Out*. She shows that 1885 and 1886 were high points of violence in cities and rural areas, with common strategies including lynchings, mass murder of workers in camps, organized mass expulsions from towns, arson of Chinatown properties, pressured employers into mass firings, and death threats.[38] Some instances of mass violence, however, were not publicized, as in one mass murder of over 30 Chinese miners at Deep Creek in northeastern Oregon.[39] Most discussion of the violence of the 1880s has centred upon the extent to which labour unions were responsible for it, with a focus on Seattle and Tacoma.[40]

Of Washington's Chinese communities, only Port Townsend's managed to survive the 1880s intact, for anti-Chinese organizers did not successfully make an expulsion mob there.[41] No studies have been done on why Port Townsend differed in this way. Daniel Liestman claims that Port Townsend

36. Asher, *Beyond the Reservation*, 82-105.
37. Asher, *Beyond the Reservation*, 62-80, 86-106, 116-123, 183.
38. Jean Pfaelzer, *Driven Out: The Forgotten War Against Chinese Americans* (New York: Random House, 2007), 121-197,125-223, 261, 256-290.
39. R. Gregory Nokes, *Massacred for Gold: The Chinese in Hells Canyon* (Corvallis: Oregon State University Press, 2009).
40. Herbert Hunt, *Tacoma: Its History and Its Builders: A Half Century Of Activity Volume I* (Chicago: The S.J. Clarke Publishing Company, 1916). Jules Alexander Karlin, "The Anti-Chinese Outbreaks in Seattle, 1885-1886," *The Pacific Northwest Quarterly* 39, no. 2(1948), 103-130. Jules Alexander Karlin, "The Anti-Chinese Outbreak in Tacoma, 1885," *The Pacific Northwest Historical Review* 23, no. 3 (1954): 271-283. Robert Edward Wynne, *Reaction to the Chinese in the Pacific Northwest and British Columbia 1850 to 1910* (New York: Arno Press, 1978). Robert Eugene Mack, "The Seattle and Tacoma Anti-Chinese Riots of 1885 and 1886," (Bachelor's thesis, Harvard University, 1972).
41. Art Chin, *Golden Tassels: A History of the Chinese in Washington, 1857-1992* (Seattle, 1992), 47.

opted for economic political actions rather than violence, such as threatening employers of Chinese workers.[42] However, such economic attacks also happened in places where expulsion efforts occurred. Liestman claims that Port Townsend whites "realize[d] how well the Chinese people had integrated themselves into the economic structure of the community" but they had done so in Seattle and Tacoma too.[43] Currently, then, the specific reasons for Port Townsend's divergence remain unclear. A very small number of cases were prosecuted in which Chinese were victims of everyday, not mass, violence, and bystander action facilitated those cases in reaching the courts.

To sum up, the literature's focus on administrative and legal questions of the Exclusion Era has revealed the strong impact that enforcement of Exclusion created for subsequent immigration policy, but it has not revealed the extent to which Exclusion-related legal practices affected everyday law. I show that in Port Townsend's initial Exclusion Era, only testimony around movement was affected by the Act's passage. Studies of the Pacific Northwest have established the elite use of everyday contract law; I suggest here that lower class cases for small financial stakes were more common than has been supposed. Studies of the relationship between indigenous people and the legal system show not only that legal practices were subject to changing racial categories, but that courts granted Chinese more rights in that system than they did to indigenous peoples. Finally, the literature has emphasized the trauma of mass violence rather than everyday violence. I show that for everyday violence, bystander action assisted Chinese victims in reaching the court and in gaining positive outcomes. Bystanders intervened by arresting suspects, connecting victims with lawyers and medical care, and testifying on their behalf. Given the practical limitations on law enforcement capabilities, without community sanction of a legal action, the case would not come before the courts.

---

42. Daniel Liestman, "'The Various Celestials among Our Town': Euro-American Response to Port Townsend's Chinese Colony,' *Pacific Northwest Quarterly* 85, no. 3 (1994), 93, 99.
43. Liestman, "'The Various Celestials Among Our Town,'" 99.

Port Townsend's Social Context

The administration of law did not occur within a social vacuum. Its maritime economy, its location at the site of an existing Klallam and Chimakum town, Qatáy, and the migration patterns of Chinese migrants and settlers there ensured a diverse population, so the court would have to contend with differential standards of law by race. Chinese contributions to the economy and to the social life of Port Townsend ensured that residents enjoyed good personal relationships beyond other Chinese, which sometimes helped them gain positive outcomes in court cases. Port Townsend's most obvious limitation on law enforcement capability was the maritime economy, which ensured constant transience among the population and easy escapes for potential suspects or witnesses. Its lack of civic infrastructure like a jail meant that officials relied upon community sanction and bystander action to help enforce law. The diversity of the community, alcohol use, and the violence of maritime life meant that violent crimes would be particularly frequent. Finally, there existed a divide between popular law and official law, a cleavage spurred in part by the insistence of professionals in the court system of enforcing unpopular laws limiting the sale of liquor to indigenous peoples. The effect of the popular law and official law divide, however, declined through the territorial period.

In 1851, Port Townsend was founded near the Klallam and Chimakum town of Qatáy. About three families and fifteen single men gained permission from Klallam leader S'Hai-ak.[44] The advantages were clear: with over 1,000 people,[45] it was already a hub of economic activity, with a

44. Jefferson County Historical Society, "Historical Timeline 1592-2007, Port Townsend, Jefferson County, Olympic Peninsula," http://www.jchsmuseum.org/rctimeline.html, 2012, accessed 20 June 2013. Susan Stephens, "Port Townsend History," Ptguide.com, City of Port Townsend and East Jefferson County, http://www.ptguide.com/history-a-attractions, 2013.

45. A census taken in 1855 for the population of Qatáy estimates 926 "Klallams," but whether this includes Chemakums is unclear. The same person who took that census estimated 1,500 "Klallam warriors," or young and middle-aged men, in 1854, which meant the general population would have been much greater. In 1860, James Swan took a census of people living at Point Hudson and found 14 S'Klallam lodges and 18 Chemakum lodges, which could each hold several families. Jefferson County Historical Society, "Historical Timeline 1592-2007."

diversity of travellers and people willing to work. Whites in the 1850s did not want to work for wages, preferring to either seek land ownership or get rich quick mining gold.[46] Settlers nevertheless resented the fact that they were forced to make compromises, concessions, or basic human courtesies to their indigenous neighbours, which spurred an early interest in Chinese migration. In the Chinese, they envisioned cheap wage labours to whom they would owe nothing.[47]

The migration and employment patterns of Chinese residents of Port Townsend allowed them to build closer relationships as individuals with the wider community than most migrants could expect. According to Todd Stevens, most Chinese migrants came from California, hired in large groups by labour brokers California to work in isolated locations on railroad lines (the Northern Pacific alone contracted about 15,000 workers through the territorial period) or in the logging and mining industries, a situation which would encourage segregation by language.[48] But in Port Townsend, most people seem to have arrived in small groups or as individuals from British Columbia or California, often in the course of their work as mariners. A murder case in 1859 reveals that at least one Chinese restaurant existed in Port Townsend in that year, but other information about migration in the 1850s is scarce.[49]

Chinese migrants, whether long term residents or transient labourers, had various opportunities to work and contribute to Port Townsend's economy. Individuals could seek unskilled work as servants in white homes, servants and cooks in hotels, or, if they had more capital, opening restaurants, import businesses, small stores, or laundries.[50] Many new arrivals stayed in Port Townsend a brief time before seeking work on ships, in salmon canneries, or mills, either with the help of town labour brokers or on their own.[51] Laundries hired new arrivals as deliverymen, a collectively owned a large garden on North

46. Harmon, *Indians in the Making*, 58-62.
47. Harmon, *Indians in the Making*, 60, 75, 104.
48. Stevens, "Brokers Between Worlds," 114-119.
49. *Territory of Washington v. John Smith and Charles Birch,* Case File 204, NWRB-Bellingham (1860).
50. Liestman, "'The Various Celestials of Our Town'," 95-96.
51. Liestman, "'The Various Celestials of Our Town'," 95.

Beach (it provided most of Port Townsend's produce) was worked mostly by transient workers, and a restaurant owned by Charles Hing employed mostly new arrivals.[52] The Zee Tai Company opened its first store uptown in 1879, expanded to its downtown location later, and stayed in the family three generations.[53] Entrepreneurs invested in real estate as well as a failed investment in Oregon sugar beets.[54] Some evidence exists that many people successfully pursued private land ownership as farmers, including the owners of a 60-acre farm called Station Prairie which sold produce as far away as Seattle.[55]

They also went into business with white partners, sometimes in the lucrative smuggling trade. According to a Customs official, the evasion of revenue laws was widely regarded as socially acceptable throughout the territorial period and apparently most rich men in the region had done it at one point or another.[56] In 1885, for example, Henry Landes paid a $200 fine with Ah Sing, a baker on the steamship *Idaho*, for smuggling about $80 of opium into Washington.[57] Lorraine McConaghy points out that mariners were adept at creating human connections across language and cultural barriers, a skill which must have been frequently employed in this high volume port and which helped the canny seek out economic opportunities.[58] Port Townsend's unique set of opportunities for individual workers as well as their differential migration pattern there probably facilitated their use of the court system, as I show in the contract law and violence sections.

---

52. Liestman, "'The Various Celestials of Our Town'," 95. *Territory of Washington v. Frank L. Jones/Reozo Taneguchi*, Case File 910, NWRB-Bellingham (1886). Bob Boardman, "Chinese Immigrants Discovered Freedom in Robust Seaport Town," *Port Townsend Leader* Summer Magazine 1987, Vertical File Ethnic Groups - Chinese Exclusion Act, Jefferson County Historical Society, Port Townsend, Washington.
53. Liestman, "'The Various Celestials of Our Town'," 95.
54. Liestman, "'The Various Celestials of Our Town'," 98.
55. Liestman, "'The Various Celestials of Our Town'," 96. *Ah One et al. v. D.E. Hancock et al.*, Case File 916, NWRB-Bellingham (1886). Daniel Liestman, "Old Culture in a New Land," *Port Townsend Leader*, December 7, 1994, Vertical File Ethnic Groups - Chinese Exclusion Act, Jefferson County Historical Society, Port Townsend, Washington.
56. Camfield, *Port Townsend*, 122.
57. *Ah Sing v. United States*, Case File 897, NWRB-Bellingham (1885).
58. Lorraine McConaghy, *Warship Under Sail: The USS* Decatur *in the Pacific West* (Seattle: University of Washington Press, 2009), 8.

Such economic relationships grew out of frequent social interactions in Chinatown and Qatáy. Restaurants, saloons, and other places of entertainment drew people to both locations in order to drink, socialize, and have sex, a social reality for Seattle as well.[59] James Swan wrote about the diversity of people on the beach in his diary in 1859 when in one week there was a "native secret society initiation," then "a fight between rowdies" and finally a sermon.[60] In the mid-1880s, people were still going to Qatáy to socialize, as defendant Reozo Taneguchi testified to doing on the night of Charles Hing's murder when he failed to find a poker game downtown.[61] The gregarious Taneguchi claimed to have been friends with his Chinese employer Hing, a "half-breed" named Handy, and a white migrant named Henry Lambert; he also had a stone in his possession from Yokohama which a German migrant had given to him after learning he was born there, and he mentioned giving clothing to other Japanese migrants.[62] Taneguchi's friendships with other transient labourers of all backgrounds show how easily Port Townsend's physical spaces fostered intimacy.

For the court system, all of these economic and social interactions translated into a demand for civil court to regulate business contracts, minor interpersonal conflicts, and for businessmen to testify on their partners' behalf. Criminal courts also needed to control and punish violent acts, but they struggled to overcome the specific practical barriers to law enforcement.

Port Townsend's maritime economy and lack of civic infrastructure made the practicalities of detaining suspects extremely difficult. As the required stopping point for all traffic entering Puget Sound so that Customs could inspect imported goods, Port Townsend had a great number of short term visitors. Sailors, along with more permanent visitors, regularly changed their names and personal

59. Harmon, *Indians in the Making*, 98-99. Coll Thrush, *Native Seattle: Histories from the Crossing-Over Place* (Seattle: University of Washington Press, 2007), 57-65, 70-78.
60. Harmon, *Indians in the Making*, 98.
61. *Territory of Washington v. Frank L. Jones/Reozo Taneguchi*, Case File 910, NWRB-Bellingham (1886).
62. *Territory of Washington v. Frank L. Jones/Reozo Taneguchi*, Case File 910, NWRB-Bellingham (1886). Lambert testified to the court that he understood English and did not need a translator, which indicates his migration status.

histories, complicating the delivery of subpoenas or the testimony of transient witnesses.[63] Suspects could easily slip into a boat at any time, escape to a number of nearby islands or towns, including in British Columbia, and assume a new name. The lack of a jail in Port Townsend, a nearby prison, or even a courthouse (until 1873) made the holding of suspects a matter of ad hoc arrangements like chaining them up in hotel rooms or officials personally boarding prisoners at their own expense.[64] However, Fort Townsend's nearby facilities could be used to hold suspects until the next term of court. Besides the constant risk of escape, if the wider community opposed a prisoner's confinement (either because of its support for the prisoner or because it wanted to lynch him), there was nothing officials could do to stop them from breaking a person out or hiding an escapee. Very few law enforcement officials were kept on payroll, and the sheriff counted on forming posses - briefly obligating citizens to assist him in arrests - to handle most situations.

Violent crime was extremely common, especially since mariners could expect to endure violence as part of their work. By the 1850s, the American navy had outlawed whipping as a punishment in favour of confinement in brigs and legal charges, but this change filtered slowly to private ships.[65] A number of cases came before the courts documenting mariner violence, either between colleagues or from shipmasters, though these were surely only a small portion since most of the time the mariners had no ability to contact authorities for help.[66] Violence or confinement might

63. McConaghy, *Warship Under Sail*, 9. Frequently cases listed more than one name for a party to a suit, especially if that person was indigenous, African American, or Asian, because whites often gave them nicknames. Examples from cases discussed here include Chinaman Jake/Mun Sam, Reozo Taneguchi/Frank L. Jones, Sing Lee/Sing See, one of the plaintiffs in the steamship *Madras* case, and the defendant in *United States v. Ah Ju*, Case File 714, NWRB-Bellingham (1884), who was found by the Grand Jury to have a false identity certificate for Hu Chow for entry to the United States.

64. Camfield, *Port Townsend*, 34, 44. Asher, *Beyond the Reservation*, 89. Although the jail was constructed in 1892, Jefferson County Jail records begin in 1885 with some prisoners held for months, so some sort of space had by then found to house them.

65. McConaghy, *Warship Under Sail*, 36-37.

66. Some of the cases documenting mariner violence include: *United States v. C.N McAuliff, alias Clark*, Case File 390, NWRB-Bellingham (1863). *Territory of Washington v. Michael Williams*, Case File 538, NWRB-Bellingham (1867). *Ah Fooh v. John Street*, Case file 941, NWRB-Bellingham (1875). *Ah Chou v. A.W. Keller*, Case file 1019, NWRB-Bellingham (1876).

help shipmasters cheat their workers, especially given the widespread practice of "shanghaiing" sailors to work.[67] For example, in 1884 five men filed writs of habeas corpus for wrongful imprisonment by shipmaster George Roberts, which the court granted.[68]

On shore, too, mariners could expect violence as those in between voyages relaxed with as much alcohol as they could handle. Lorraine McConaghy, in her study of the *Decatur*, found that almost all violent fights both on and off of ships had alcohol as a contributing factor.[69] Alcohol also contributed to suicides and murders. Thomas Camfield reports that bodies in the bay were fairly frequent and that at times officials would refuse to investigate the deaths.[70] Many of these bodies were due to drunk people wandering into the bay, accidentally or as an intentional act of suicide. Some were from mariners falling off of ships, again as accidents or suicides, but a few cases were likely murder.

Mariners and transients should not be held accountable for all of the violence. Rich settlers of longstanding residence and respectability also participated in violent acts. In the 1873 lynching of Joseph Nuana, Henry Tibbals (who had lived in the area since the 1850s) tied the noose and the sheriff of San Juan County sprang the trap for their victim.[71] Banker Henry Landes was arrested in 1891 for stabbing a man named Redmond.[72] Edgar Sims, who grew up in Port Townsend in the 1880s and served in Washington state's legislature, was an imposing bully who "meets [a fight] more than halfway" and at least once threatened death to the town's newspaper editor over a story.[73] In 1897, he and a friend

67. Shanghaiing was a practice in which ship captains would pay (white) labour brokers or boarding houses to supply sailors for them when they docked in Port Townsend. Usually, the consent of the sailors to serve on the new ship was not obtained before they were forcibly loaded aboard. Camfield, *Port Townsend*, 323-325.
68. *Ah Sam et al. v. George Roberts,* Court Journal 722, NWRB-Bellingham (1884).
69. McConaghy, *Warship Under Sail*, 34-35, 113.
70. Camfield, *Port Townsend,* 24-34.
71. Camfield, *Port Townsend*, 84-85, 152. Tibbals wore many hats as a steamboat captain, hotel owner, builder, mayor, city councilman, county commissioner, sheriff, and postmaster.
72. Jefferson County Courthouse Jail Records, 1885-1912, 22 March 1891, Jefferson County Historical Society, Port Townsend, Washington.
73. Camfield*, Port Townsend,* 117-119, 126-127.

escaped a civil charge for lack of evidence after they robbed and beat Patrick Lee.[74] In the context of constant incidents of violence but limited resources, police and prosecutors had to select their targets carefully.

If one were to ask how the professionals of the court spent their limited law enforcement capability, especially in the 1850s and 1860s, one might be surprised to learn that law enforcement decided to emulate Sisyphus and attack sales of liquor to indigenous people.[75] The lack of widespread community support for their enforcement translated into repeated failure, especially before 1870, since juries ultimately acquitted offenders. Lawmakers also realized that restrictions on indigenous testimony thwarted liquor law enforcement, since usually indigenous people were the only witnesses, so in 1869 indigenous could testify against whites only in this area of law.[76] Interestingly, no such division of interests between juries and court professionals appears in cases with Chinese litigants or defendants, indicating that whites in the wider community did not see Chinese access to law as working against their own interests.

Brad Asher shows that the first two decades of the territorial period the white populace conceived of a distinction between popular law and official law, a difference of opinion which foreshadowed the distinction between the anti-Chinese and "law and order" leagues of the 1880s.[77] The former was characterized by summary judgement, private administration (i.e. by individuals retaliating against perceived offenders), and an interest in official law only for the "civilized." Official law, in contrast, emphasized procedure and due process. Officials and professionals in the court system worried about popular notions of justice superseding their control, articulating a fear for both Territorial

74. Camfield, *Port Townsend*, 117.
75. Asher, *Beyond the Reservation*, 82-88.
76. Asher, *Beyond the Reservation*, 73.
77. Asher, *Beyond the Reservation*, 108-109.

reputation and a more abstract concern for the principles of law and order.[78] My analysis below shows clearly that whites in practice included Chinese in the category of legal "civilization," since unlike indigenous people they were granted, by juries and by court professionals, the rights of testimony, defendants' rights, and the ability to file claims.

Asher also shows how white popular attitudes on the applicability of white law to indigenous people shifted, especially through the 1870s. In the 1850s and 1860s, whites engaged in summary executions of indigenous people if they had conflicts, since they believed the courts would not mete out sufficient punishment.[79] Indigenous people could not file complaints, and they quickly learned that retaliatory violence would bring court charges on themselves, but at times they did get officials to "cover the dead," or provide compensation.[80] In 1873 "Indians" were finally allowed to testify in court, while judges proactively instructed juries to respect non-white testimony given new post-Civil War legal standards on race, and whites began to make distinctions between civilized and uncivilized Indians.[81] But by the 1880s, while such murders did still occur, whites began to respect law as a tool for conflicts with indigenous people. They by filed complaints rather than turning to violence, and the ones who did choose violence gave themselves up after committing murder.[82]

As Asher argues, "[e]nforcement attaches real-world consequences to the normative statements of the law. Improved enforcement suggests more than improvements in the techniques of policing and prosecution; it also suggests increased popular acceptance of the ideological statements codified in law."[83] The laws which were actually enforced to their conclusion of formal charges in court are especially significant because of extremely limited law enforcement resources through the territorial

78. Asher, *Beyond the Reservation*, 88, 111, 113-114.
79. Asher, *Beyond the Reservation,* 111.
80. Asher, *Beyond the Reservation*, 161-163.
81. Asher, *Beyond the Reservation*, 61, 71, 73, 77, 92, 116, 118, 120-121.
82. Asher, *Beyond the Reservation,* 115-116, 118-121.
83. Asher, *Beyond the Reservation*, 94.

period. Port Townsend's courts contended with a constellation of potential difficulties, from language barriers, transient witnesses, escapes, popular usurpation of punishment, changes in standards of law, limited resources, and more. It is with these limitations in mind that I turn to the analysis below.

Contract Law and Labourer Complaints

If the Territorial legal system had any area of law which regularly presented Chinese litigants with a reasonable chance of a favourable outcome, it would be contract law. The fairly high frequency of Chinese plaintiffs and the substantial monetary wins they received even against powerful opponents has already been explored by Kornel Chang and Todd Stevens, who focus on successes by regional labour brokers.[84] As they clearly demonstrate, primarily elite Chinese controlled whether to file cases on behalf of labourers whose wages were withheld or contracts broken, and those brokers received the financial benefit. Labourers, in return, received small compensation from the broker for the contract, not the actual penalties the court may have granted even though the suits were in their names. Port Townsend's records, though they confirm that businesses and labour brokers benefited from contract law, also suggest that individuals with financially small contracts enjoyed court protection of their contracted rights. These smaller cases were handled by Justice Courts, whose operations granted the populace quicker and easier access to courts, and whose activities were also very important for the smooth operation of the higher courts as well. The assertiveness of labourers in seeking small claims attests to the motivation of the court to grant them legal standing, claimants' perception of potential gain, and the social connections in Port Townsend which granted easy access to Justice courts.

Chinese litigants enjoyed a reasonable hearing from the courts in contract law cases throughout the territorial period because of the constant imperative of territorial notables to attract investment.

84. Chang, *Pacific Connections*, 17-53. Stevens, "Brokers Between Worlds," 67-154.

Merchants' firms, in linking Washington Territory to the globalizing economy and providing specialized imports, generated incentives for judges to protect them as a fundamental part of the economy. Contract law outcomes provided firm evidence to potential investors that the courts would respect the terms of contracts and protect the rights of Chinese workers if employers tried to cheat them. The earliest contract law cases in the Territory involving Chinese were in 1862 and 1864.[85] Cases trickled in through the 1860s and 1870s and a large number of high stakes cases in the 1880s. Race appeared no barrier to litigation, with Chinese on both sides of the courtroom against opponents of all races.[86] Business owners in Port Townsend and elsewhere found that the court system functioned as an effective forum in which they could keep their firms operating smoothly by keeping their business contacts honest and prompt.[87]

One case illustrates how geographically disparate the stakeholders could be, and thus how court decisions could signal the reliability of investment in Washington Territory's markets. In 1883 the Hong Kong firm Quong, Sing & Ling brought a lien against the British steamship *Madras* to prevent it from leaving Port Townsend on the way to New Tacoma. The firm charged that the captain had used 1079 of the 9000 mats of the rice being shipped, as well as other merchandise during the voyage. It was anxious to pin down the ship until the conflict could be settled. The court ordered the *Madras* to stay in Port Townsend but apparently the ultimate dispute over the used goods was settled out of court.[88]

Complaints against employers for breach of contract provided labour brokers the opportunity to protect the rights of labourers, discouraged employers from breaking contracts in the future, and earned

85. *William Collins v. Gee*, Walla Walla Case File 672, ERB-Cheney (1862). *Ching Schae Jung Gong v. Billy Lavae*, Walla Walla Case File 505, ERB-Cheney (1864).
86. See the above two cases for a Chinese defendant (Gee) and a Chinese versus Chinese case. *Zee Tai and Co. v. Wah Hie and Co.*, Case File 441 NWRB-Bellingham (1885), was dismissed at the plaintiffs' cost.
87. See, for instance, *Gee Hee v. P.P. Gulseth and J.P. Ewell*, Case File 1171, NWRB-Bellingham (1888); *Oliver and Dyer v. Ah Toon*, Court Journal 852, NWRB-Bellingham (1885).
88. *Sing Lee et al. v. Steamship "Madras"*, Case File 578, NWRB-Bellingham (1883).

the brokers themselves the financial benefits of cases they bankrolled. Beginning in the 1870s, labour brokers tried to prevent nonpayment of wages in the logging industry by putting liens upon the logs.[89] In the railroad construction industry through the 1870s, five out of eight cases brought by labour brokers were decided in favour of the Chinese, with monetary payments ranging from $300 to $4,500; the largest case involved 252 workers against the Seattle and Walla Walla Railroad Company.[90] In another case, the city of Seattle failed to pay the workers who graded Jackson Street after it discovered that the expected revenue source (taxing nearby property owners) was not available. Merchant Chun Ching Hock of the Wa Chong Company, which itself had thriving businesses in three states, pursued the case for seven years, yielding $24,661.27 of unpaid wages and $15,642.11 in interest and penalties in 1890.[91] It should be noted that labour brokers did not use the opportunities of the system to their full extent. White workers in this period repeatedly attempted to sue for partial wages after quitting a job, despite widespread judicial hostility to granting them. Yet no record exists of Chinese workers attempting to do this, at least for such large sums that the cases were filed in the District Courts.[92] If they did so for small financial stakes, the judicial hostility to granting their complaints would have precluded defendant appeals and, unfortunately, the preservation of those cases.

Justice court records survived when the defendant appealed to the higher District Court. For example, in 1870 Charley Julles appealed a case brought against him by his employee Jack Gho all the way to the Territorial Supreme Court.[93] Julles ran a logging camp and owed Gho $64.50 in wages, but he attempted to squirm out from the debt by arguing that as an Indian, he was unable to be held accountable to contracts he had made. The court ordered Julles to pay Gho. In another case of

89. Stevens, "Brokers Between Worlds," 125-126.
90. Stevens, "Brokers Between Worlds," 121.
91. Stevens, "Brokers Between Worlds," 126.
92. Stevens, "Brokers Between Worlds," 134-135.
93. Asher, *Beyond the Reservation*, 60-80.

defendant appeals preserving lower court records, in December 1880 Ah Han brought a case against J.N. Griffith, Benjamin S. Miller and James Jones.[94] Griffith gave him a check for $10.41 which Miller and Jones refused to cash; Griffith, despite earlier promising Ah Han that they would honour the check, made no effort to force his associates pay him. Ah Han also charged that they had done the same thing to fellow Chinese worker Charlie Hi for $40.[95] He had a written contract (not included in the case file) and lawyer G. Morris Haller, so Justice John Norris ruled for Ah Han and Charlie Hi after the defendants failed to show up to his office to reply to the charge. The defendants appealed the case to the Third District Court, thereby ensuring the survival of the JP records. Another, separate yet related case with a Chinese litigant was included in Ah Han's case file, Ah How, who had a similar complaint against the defendants. This suggests the administrative disorganization of JP courts, which has had the ultimate effect of erasing historical memory of small contract law cases. Without JP courts, though, the higher courts would have ceased to work.

JPs functioned as the first responders to a complaint or a crime and were crucial for the adequate gathering of evidence. If a crime was not a matter for the higher District Court, the JP would dispense justice and take in his fees. If, however, the crime was of a serious enough nature that the higher court would hear it – all criminal cases and civil cases with high financial consequences[96] – then the JP's task was to serve as a combination of police officer, interrogator, and interviewer. He had the power to gather together other officials relevant to the case, such as the sheriff or coroner. He would

94. *Ah Han v. Griffith et al.,* Case File 390, NWRB-Bellingham (1880). Camfield, *Port Townsend*, 60-61, identifies B. S. Miller as Benjamin.

95. In the court journal, Charlie's name is also written Hie or Hei. It is unclear if this case, which took place in March 1881, is the result of the defendants' appeal, since Ah Han does not appear as a plaintiff (which would have made Charlie Hi an unlisted but acknowledged plaintiff of the December suit). The journal notes that both Haller and Charles Bradshaw represented him here before Judge Roger Greene. The Grand Jury awarded Charlie Hi $69.50. *Charlie Hei v. Miller and Jones*, Court Journal 389, NWRB-Bellingham (1881).

96. District Courts handled appeals from Justice Courts, Constitutional law cases, territorial and municipal law, admiralty and equity law, criminal law, and civil cases with high financial states. The Territorial Supreme Court handled appeals from District Courts. The last type of court, Probate, handled wills, administration of estates, and could declare individuals legally insane.

take initial statements from witnesses which were later submitted to the grand jury, who would determine whether enough evidence existed for the case to proceed to a trial (or petit) jury. Witnesses were usually subpoenaed to appear at the later term of court, and it is unclear in many cases if they gave new testimony (generally only one record exists in case files, the one taken at the time of the JP interview) or if they merely confirmed that they were, in fact, the person who gave the prior statement. If the arrested person would speak, the JP took their statements as well, but it was more frequent for defendants to testify before the grand jury at the term of court and to be cross examined by the lawyers. After the evidence was collected, JPs would submit their fees to the government to reimburse.

One District Court case does exist to suggest the threshold between small and large financial claims for individuals existed somewhere around $150. In 1876, William B. Moore hired Ah Jim at Utsalady on Camano Island to work as a ship cook.[97] Moore promised $40 a month in gold coin for the work, but only paid a portion of the wages for the months between May 1 and December 1.[98] Thus on December 19, Ah Jim's attorney Joe Kuhn (who sometimes served as a judge) filed a motion for default to get Ah Jim $146.66 of his wages plus interest. As with most of the contract law cases, the final outcome was not included in the case file. Todd Stevens explains cases like these, where otherwise obscure individuals hired experienced and respected lawyers, as evidence of labour brokers mediating between English and Chinese speakers as a strategy to "employ the law to further their businesses as importers and labor contractors."[99] He implies that since Pacific Northwest labour brokers' elite standing depended upon their control of labourer access to legal professionals, they would have guarded those contacts from independent action.[100] While this may have been the case, the small claims

97. *Ah Jim (Chinaman) v. William B. Moore*, Case File 41, NWRB-Bellingham (1876).
98. Another mariner, Ah Chou, received a wage of $70 a month to work as a ship cook. However, his ship sailed from San Francisco and his higher wage probably compensates for the higher risks of long journeys and perhaps for cooking for a larger crew. *Ah Chou v. A.W. Keller*, Case file 1019, NWRB-Bellingham (1876).
99. Stevens, "Brokers Between Worlds," 8-9, 9.
100. Stevens, "Brokers Between Worlds," 20-21.

cases from Port Townsend like Ah Jim's, and Ah Han and Charlie Hi's case discussed above, usually stated the existence of a written contract. Armed with that and some basic words for communication, it is possible the aggrieved parties initiated contact with lawyers or even JPs on their own. Given the mixed social and economic world of Port Townsend, individuals did not have to rely upon labour brokers to make contacts with influential whites for them.

If a worker did not have a written contract nor connections with labour brokers, one case suggests how that litigant could access the legal system through intermediaries other than labour brokers: white colleagues. In 1874, the master of the steamship *Celilo* apparently hoped to stave off his creditors by not paying his crew as he did the maritime equivalent of odd jobs up and down Puget Sound.[101] Unfortunately, his creditors caught up to him in October and held the ship in Seattle. When the crew demanded master John R. Williamson pay them, he suggested that they bring their complaint to court. Four crew members did, including Mun Sam, who had been hired on as a cook less than a month before the seizure of the *Celilo*. Perhaps hoping for a more sympathetic judge or to avoid being superseded by the creditors in Seattle, they brought the case in Jefferson County. This ultimately backfired when the case was dismissed, presumably after the creditors argued the *Celilo* was out of the Third District's jurisdiction. The reason for the case's dismissal was not included and the plaintiffs spent a great deal of effort affirming that they believed the case to be in the Third District Court's jurisdiction. Still, the case shows that non-elite litigation in contract law did occur in Washington Territory and that labour brokers did not necessarily serve as the gatekeepers for non-elites.

Contract law cases were not the most frequently brought cases by Chinese plaintiffs during the nineteenth and early twentieth century. Writs of habeas corpus after 1882 held that distinction. But

101. *William F. Monroe et al. v. Steamboat "Celilo"*, Case File 887, NWRB-Bellingham (1874). Mun Sam is also listed as "Chinaman Jake." Also notable for the case is that only Monroe was an adult white male; the other two crew members were minors and before the suit could move, they had to establish their permission to work from their guardians.

while the writ of habeas corpus was a legal tool to mitigate the risk of deportation, contract law cases functioned in practice as an area where Chinese litigants stood on more equal ground. Record loss for small claims cases has obscured labourer participation, but the existing evidence suggests that individuals who were not protected by a labour broker were not totally on their own in conflicts with employers, since there were several avenues by which non-elite Chinese litigants could access the courts in the social context of Port Townsend.

Equality before the Courts: Chinese Rights in Port Townsend

The Chinese right to file civil complaints in the American legal system was, for some whites, costly. It was also one of several rights they had which fundamentally altered their ability to protect themselves in conflicts compared to their Klallam and Chimakum neighbours. Chinese could testify in court against any opponent, and when charged with crimes they enjoyed access to the same rights as white defendants, including the right to legal counsel, the right to be presumed innocent, and other benefits of due process. Evidence from Port Townsend's courts show that both the professionals of the court system, judges and lawyers, as well as the nonprofessionals, juries, together sanctioned Chinese access to rights of testimony and defendants' rights. These rights buffered defendants from anti-Chinese political attacks in the form of targeted municipal ordinances, and the passage of the Exclusion Act in 1882 did not in general affect the general willingness to continue the rights. However, Exclusion did erode the willingness of judges to trust Chinese testimony when it related to the legal issue of movement across national borders. To compensate for this, Chinese sought the testimony of respectable whites if they wished to travel. In the early Exclusion Era, though, the effects of the law's enforcement on everyday law were minimal if any.

When the Territory chose to put its Chinese residents on near equal footing with whites, save full citizenship and suffrage, it rejected other several possible ways to restrict Chinese access to rights. Washington's courts and legislature could have chosen to treat Chinese as they did indigenous peoples. They could not testify against whites from 1854 to 1873 (though in 1869 an exception was made for witnesses to liquor law violations), which meant they could also not file complaints during these years.[102] In 1854, the Supreme Court of California determined that Chinese could not testify against whites. Blacks and "Indians" already could not do so, and the court decided that the Chinese were included in one of these racial groups (though it was not sure which one).[103]

Nationwide, Chinese travellers required whites to testify as to their identities and character, especially if they wanted to bring their families back with them from China. Washington Territory did accord with the rest of the country for movement law testimony. Indeed, part of the regular responsibilities of white businessman after 1882 included testifying for their Chinese business associates, since in the context of movement law officials assumed Chinese to be lying.[104] Thus Henry Landes co-testified with Ah Gow to help three men return from China in 1884.[105] In another instance, Landes aided Ah Let of the Yee Sing Wo Kee Company when he swore to Ah Let's good standing and character as the latter returned to China in order to bring back his wife and daughter.[106] Proof of legitimacy for residents could depend on demonstrated knowledge of local indigeneity - ironic, when indigenous people could not speak for themselves in court for so long. In one notable instance, Ling Fu proved after an arrest that he was born in the United States by responding to Judge Cornelius Hanford

102. Asher, *Beyond the Reservation*, 61, 73.
103. McClain, *In Search of Equality*, 20-23.
104. Stevens, "Brokers Between Worlds," 52-53. Chang, *Pacific Connections,* 40.
105. "Affadavit confirming the identity of Chinese," 1884, Chinese Immigrants - Ethnic Groups, Jefferson County Historical Society, Port Townsend, Washington. The men, though not merchants, were able to return to the United States because they had been there prior to 1882. This was a less restrictive reading of the Exclusion Act's intentions.
106. "Sworn statement of Ah Let...," 1902; "Afidavit [sic] from Ah Let...", 1908; "Sworn affadavit from Joseph A. Kuhn and Henry Landes...", 1902, Chinese Immigrants - Ethnic Groups, Jefferson County Historical Society, Port Townsend, Washington.

in Chinook Jargon.[107]

Yet the unremarkable treatment of Chinese testimony in Third District Court documents shows that distrust of it seems to have been limited only to cross-border movement, either of people or of goods, after the Exclusion Act passed. Chinese testified in every other area of law with little apparent effort to attack their credibility in court on the basis of their race, either by professionals or by juries.[108] In contract law, courts assumed that contracts with Chinese businesses or individuals should be enforced. The success of post-1882 writs of habeas corpus depended on judges trusting the testimony of Chinese witnesses describing their own arrests, though the plaintiffs in Port Townsend tended to win the writs only if they had a competent lawyer.[109] Finally, Third Judicial District involving allegations of violent crimes (discussed in the next section) include no questioning of Chinese testimony against whites on the basis of their race. Though Chinese testimony was less trusted than white testimony, it was still assumed to be good in most circumstances.

Other standards besides race needed to be met for admissible testimony, however. According to one case of assault and battery in 1885, one's good reputation established whether a jury could rely upon witness testimony. In *Territory of Washington v. Michael Day*, the jury was given instructions about what the charge of assault included, as well as standards for conviction (including evidence beyond a reasonable doubt, presumption of innocence, and burden of proof being on the plaintiff). Unfortunately for victim Samuel Lingley, the court then outright told the jury to ignore his testimony based on the high standing of Day and the low standing of Lingley among his neighbours:

---

107. Thrush, *Native Seattle*, 64-65. Ling Fu does not appear in the Frontier Justice database, suggesting that his case file was thrown out after he was acquitted.

108. Asher, *Beyond the Reservation*, 61-62, 86-87, 74. Stevens, "Brokers Between Worlds," 257-341. The competency standards were technically only for civil cases, but criminal courts used the same criteria and so they were effectively barred there as well. Besides, white juries were extremely reluctant, especially prior to 1870, to accept indigenous testimony for cases in which they could testify, namely against other indigenous or for the enforcement of liquor laws.

109. See the Court Journal in 1883-1889 for bundles of Exclusion Act cases. Almost invariably, defendants with lawyers were acquitted even if they were arrested in the same group as convicted and deported individuals.

> ...if the Jury believes from the evidence in the case, that the reputation of the witnesses Samuel S. Lingley and Mrs. Lingley in the neighbourhood where they reside, is bad, then the Jury have a right if they see fit to disregard the whole of their testimony.... if the defendant has, by competent evidence, satisfied you that he was a man of good character for peaceableness to the time of the alleged offense in this case, *the presumption of law* [emphasis added] is that the alleged crime is so inconsistent with the former life and character of the defendant, that he could not have intended to commit such a crime, and it would be your duty to give the defendant the benefit of that presumption, and acquit him.[110]

The jury, unsurprisingly, acquitted Michael Day. Clearly, the court had found that the legal guidelines for admissible testimony needed some on the ground adjustments.

The courts also chose to grant Chinese defendants legal access, which helped mitigate consequences when they were charged with crimes. Initially charged with smuggling in 1882, Charles Sin quickly hired Charles Bradshaw and plead guilty. He was sentenced to pay a fine of two hundred dollars and court costs, working off the fine with hard labour if he could not pay. However, he just so happened to have the full cost of the fine available in court and was free to go.[111] Lawyers prepared their clients before the court heard cases so that they could produce even very large fines on the spot and thus downplay the disruption of a charge. Ah Cooi, for instance, was able to pay a three hundred dollar fine for smuggling opium and leave court on the day of his sentencing.[112] In another case, Ah Jim originally plead guilty to the charge of smoking opium, a criminal charge for Chinese people and indigenous people, though Ah Jim's case seems to have been the only one pushed to the conclusion of full charges. After obtaining Bradshaw and Sachs as his lawyers, he changed his plea to guilty and paid a $5 fine.[113] In some instances the court even appointed counsel for impoverished defendants, as for

110. *Territory of Washington v. Michael Day*, Skagit Case File 390, NWRB-Bellingham (1885).
111. *United States v. Charles Sin*, Court Journal 442, NWRB-Bellingham (1882). His race was noted as "Chinaman" by the clerk.
112. *United States v. Ah Cooi*, Court Journal 699, NWRB-Bellingham (1884).
113. *Territory of Washington v. Ah Jim a Chinaman*, Court Journal 755, NWRB-Bellingham (1885).

Chung Ock in his murder charge in 1885.[114] However, again there seems to be a difference once Exclusion Act violations occurred, for the court did not appoint lawyers for Tow Din, George, or other defendants.[115]

Despite the testimony and counsel advantage for Chinese in some courts in the United States, nineteenth century law increasingly incorporated the white supremacist sentiments of voters. Municipal ordinances particularly functioned as a barometer of anti-Chinese political influence in a given area. Some whites (or, more accurately, a motivated subset of people legally allowed to vote) resented state, territorial, or federal failures to expunge Chinese people from the United States, never mind the 1868 Burlingame Treaty with China or other federal interests. Anti-Chinese whites addressed this perceived failure by creating local ordinances to prevent Chinese migrant integration into the local economy, or to simply harass them and Port Townsend was no exception.

Some ordinances masqueraded as protecting the public's moral or physical health. These include the “cubic air ordinance,” a model for other localities first passed in San Francisco in 1870, sanitary standards for laundries or restaurants, fire hazard ordinances, or nuisance laws aimed at shutting down brothels and opium dens.[116] In practice law enforcement only targeted Chinese violators of these ordinances (with the exception of brothels, which were so ubiquitous that ordinances against them tended to exist earlier than anti-Chinese political power). Others ordinances directly targeted Chinese, such as prohibiting carrying a load with poles across the shoulders (vegetable peddlers took their products between households this way), or barring Asian labourers from public works projects.[117]

---

114. *Territory of Washington v. Chung Ock*, Court Journal 813, NWRB-Bellingham (1885).
115. *United States v. George (a Chinaman)*, Case File 793, NWRB-Bellingham (1885). *United States v. Tow Din (a Chinaman)*, Court Journal 792, NWRB-Bellingham (1885). See the Court Journal, where clerks noted if a lawyer was appointed.
116. Joshua S. Yang, "The Anti-Chinese Cubic Air Ordinance," *American Journal of Public Health* 99, no. 3 (March 2009), 440. Pfaelzer, *Driven Out*, 266, 274-275, 279-281. Lorraine Barker Hildebrand, *Straw Hats, Sandals and Steel: The Chinese in Washington State* (Tacoma, n.p., 1977), 15.
117. Pfaelzer, *Driven Out*, 266, 274-275, 279-281.

Yet ordinances were almost never pushed to their full conclusion of criminal charges. Either prosecutors did not find many ordinance violations worthy of charges, or they felt that judges would dismiss the charges, or the real purpose of these ordinances was to legitimize police harassment and local authorities never intended to prosecute them to the fullest extent of the law. The widespread adoption of such a variety of anti-Chinese ordinances suggests the last option. No one was ever charged with violations of cubic air or pole-carrying ordinances in Washington Territory.[118] Port Townsend tried to enforce a public health annual assessment of Chinese (but not white) laundries, paid for by the inspectees. Not only did laundry owners successfully challenge the legality of the inspections, but they raised their prices and suffered little financial consequence.[119] Some contradictory evidence exists for the way police handled ordinance violations. The earliest detailed record of total arrests including ordinance violations in Port Townsend was produced for the year ending July 1, 1891. It showed 151 ordinance violation arrests.[120] But courthouse jail records, which start in 1885, show that most prisoners booked (Chinese and otherwise) before 1891 were charged with violent crimes like assault, rape, and murder.[121] Perhaps police were arresting ordinance violators, but only went to the trouble of booking them if the prosecutor intended to bring charges. Whatever the ultimate actions of police, it is clear that their actions did not end in formal charges - usually.

In the late 1870s, Port Townsend engaged in two "arrest waves" targeting Chinese.[122] In 1878 Jefferson County officials filed their first criminal charges related to opium. These seven cases were a

118. Search of the Frontier Justice Database.
119. Liestman, "'The Various Celestials among Our Town'," 95-96.
120. Camfield, *Port Townsend*, 139-140. The police chief at the time was responding to a perceived attack on the ability of police to arrest suspects without first obtaining a warrant, so he issued an unasked for year end report a few detailing, and possibly exaggerating, the year's arrests. The year end report had been preceded by a different one a few weeks earlier, which no mention of ordinance violation or petty crime arrests.
121. Jefferson County Courthouse Jail Records, 1885-1912, see entries beginning 25 Februrary 1885.
122. Nayan Shah, *Stranger Intimacy: Contesting Race, Sexuality, and the Law in the North American West* (Berkeley: University of California Press, 2011), 65. Stevens, "Brokers Between Worlds," 201-203.

combination of revenue law violations (smuggling) and nuisance law.[123] In 1879, another arrest wave and charges targeted laundries operating without licenses.[124] The Port Townsend charges mimicked politically motivated "vice prosecution" in Portland, Oregon in the 1870s where Todd Stevens found that laws targeting Chinese businesses under nuisance, public health, or anti-opium regulation were passed but enforced as a matter of one time fee collection.[125] In Port Townsend, no other attempts to enforce nuisance law followed for the rest of the territorial period.[126]

One charge against Sam Sing for operating an opium den in 1878 illustrates not only official efforts to enforce a defendant's rights, but the community sanction of his access to those rights, as revealed by the aid of whites and to some extent the jury's verdict. Sam Sing quickly contacted his white allies upon being charged. L.L. Minor, O.F. Gerrish, and C. Frank Clapp stood in surety for his $500 bond.[127] While he was not the first Chinese defendant charged in the Third Judicial District (the previous year Ah Len was charged with smuggling tobacco into the Territory),[128] Judge Roger S. Greene made a special point of emphasizing to the grand jury the universality of American law:

123. Note that opium importation was legal until 1909, but smugglers attempted to avoid paying duties. *Territory of Washington v. Sam Sing*, Case File 1056, NWRB-Bellingham (1878). *Territory of Washington v. Hang Lee*, Case File 1057, NWRB-Bellingham (1878). *Territory of Washington v. Hang Lee*, Case File 1059, NWRB-Bellingham (1878). *Territory of Washington v. Sam Sing*, Case File 1060, NWRB-Bellingham (1878). *United States v. Ah Sing and Ling Sing*, Case File 1069, NWRB-Bellingham (1878). *United States v. Ah Sing*, Case File 179, NWRB-Bellingham (1878). Ah Sing and Sam Sing may be the same person.

124. *Territory of Washington v. Jee Wah*, Case File 261, NWRB-Bellingham (1879). *Territory of Washington v. Sam Sing,* Case File 262, NWRB-Bellingham (1879). *Territory of Washington v. Sun Sen*, Case File 263, NWRB-Bellingham (1879).

125. Stevens, "Brokers Between Worlds," 195-203. Stevens shows, however, that these laws were used to harass Chinese residents of Portland between 1883 and 1885 after it became clear that Chinese Exclusion would not remove existing Chinese residents and as the pressures of recession and labour politics built. Stevens, "Brokers Between Worlds," 203.

126. Nuisance law had been enforced in a similar manner only once previously, with several related charges for running a brothel, clustered together. *Territory of Washington v. Edward Ramus*, Case File 952, NWRB-Bellingham (1875). *Territory of Washington v. William Margary*, Case File 954, NWRB-Bellingham (1875). *Territory of Washington v. Edward Ramus*, Case File 955, NWRB-Bellingham (1875).

127. Camfield, *Port Townsend*, 107, identifies Gerrish as Oliver F. Gerrish, who came to Port Townsend in 1864 and ran a genderal merchandise firm.

128. *Territory of Washington v. Ah Len*, Case File 1017, NWRB-Bellingham (1877).

> In this case gentlemen the defendant is a Chinaman and amid all the storm and passion of our people against these people it is refreshing to know that in our county all men are equal before the law. Courts and juries know neither the white, black, or copper colored man as such. We know them all as men who shall receive the protection of the law and [who] shall also be compelled to obey the law.[129]

The court also carefully defined the terms of a guilty verdict: that the grand jury had to find Sing "kept" a house for the purposes of opium smoking, that people "resorted" there, and that he was not compelled to allow them to smoke there because of threats of violence (though the court also noted that if violent intimidation happened more than one time, Sing should have asked the courts to protect him). The grand jury dismissed the case against him. Sam Sing seems to still have been operating by February 1885, when he was represented by Charles Bradshaw and his partner Morris Sachs, for yet another nuisance charge for "keeping gambling house" as well as "keeping a house in which persons resort for the purposes of smoking opium." The grand jury found him not guilty of "keeping a house to which persons resort for the purpose of smoking opium; but guilty of willfully[sic] and unlawfully keeping a house in which...persons did unlawfully smoke opium."[130] The verdict, which seemed to centre on the question of whether Sing operated a business oriented around providing a space to smoke, resulted in a $15 fine and court costs, $26.40, rather than Sing's imprisonment or the confiscation of his property and shutdown of his business. The grand jury also decided that a related charge of keeping a gambling house did not have enough evidence to proceed, and the county paid the court costs for that case. I do not mean to suggest that all charges against Chinese defendants were charges against innocents. Perhaps Sing did run an opium den, and the members of the jury dismissed the case because they wanted to continue smoking there. But their attention to whether the case had enough evidence to go to

129. *Territory of Washington v. Sam Sing*, Case File 1056, NWRB-Bellingham (1878). Note that I have altered the punctuation and capitalization of the original, which was transcribed as spoken and which was only punctuated with dashes.
130. Variously listed in the court journal as *Territory of Washington v. Ah Sam (Chinaman)*, or *Territory of Washington v. Sam (a Chinaman),* Court Journal 753, NWRB-Bellingham (1885).

trial strongly suggests the jury's interest in proper legal procedure. Together with the other dismissed cases, the jury and the professionals of the court demonstrated that the anti-Chinese prejudice evident in the targeted municipal ordinances (not to mention the hysterically racist national conversation leading up to the Exclusion Act's passage) would not be permitted to influence legal procedure even if Chinese defendants benefitted.

Beyond the opium charges, Sing also weathered ordinance charges related to his laundry. The 1879 arrest wave for laundry ordinance violations included Sing along with Jee Wah[131] and Sun Sen. Sing received the same aid from the same white men, and all laundries paid a fine to stay open.[132] For Sing, the effects of anti-Chinese nuisance law were restrained by not only legal safeguards – the imperative of racial equality in enforcement – but by white professionals and juries alike willing to abide by them despite his race.

The arrest waves took place in a context of local disagreement about the value of Chinese participation in white settler society. To some, Chinese settlers seemed capable of Americanization. In 1876, for example, a man named Ah Jay purchased a farm near Port Townsend for the substantial sum of $1,250 in gold coins. The *Puget Sound Weekly Argus* commented that "This shows that Ah Jay is patterning after our American style of farming - casting away the hoe and taking up the plow. He means to pay his taxes as other farmers and make the country his home. Jay is quite an intelligent looking man."[133]

---

131. This individual may be Joe Wah, who ran two restaurants off of Water street which catered to white men and women of the “submerged class” - a scornful descriptor by respectable Port Townsend from the time for lower class transients and mariners. Liestman, "'The Various Celestials Among Our Town'," 96.

132. *City of Port Townsend v. Jee Wah*, Case File 261, NWRB-Bellingham (1879). *City of Port Townsend v. Sam Sing*, Case File 262, NWRB-Bellingham (1879). *City of Port Townsend v. Sun Sen*, Case File 263, NWRB-Bellingham (1879). There is some evidence that Sam Sing's laundry was also being as an opium den, namely an instruction to the jury in the 1878 case where it was specified that the house's primary purpose need not be for opium smoking; the example given was if the defendant owned a wash house and people resorted there to smoke, then it would be a nuisance.

133. *Puget Sound Weekly Argus (1876)*, "We learn that one Ah Jay (Chinaman)," 10 October 1876, Historical Newspapers Database, Washington Secretary of State, https://www.sos.wa.gov/history/newspapers.aspx, accessed October 20, 2012.

Not only did Ah Jay have a legitimate right to own property in the mind of the *Argus*' editor, his actions demonstrated that he was as committed as any settler to the long term improvement of the land and Territorial tax base. The editor's admiration of Ah Jay's "intelligent" looks hints that Ah Jay could potentially be part of the white social world as well. Certainly some whites worked with Chinese settlers to overcome anti-Chinese land laws, which Washington made no effort to implement until 1886, a prohibition later adopted into the state constitution. Nonetheless, many business owners owned the land in Port Townsend for their buildings, and in 1902 a property was sold to Lai Gok Sue, the American wife of Eng Hock Gem.[134] In Oregon, it was illegal for Chinese to own mining claims, yet many white settlers openly sold "exhausted" claims to Chinese buyers throughout the nineteenth century.[135] Such behaviour shows that for many whites, Chinese participation in society was valuable and community sanction necessary to enforce anti-Chinese laws.

Chinese defendants and witnesses enjoyed most of the same legal rights as whites for the territorial period. The arrest waves demonstrate how community sanction of said access to rights operated once a case was filed, with respectable whites serving as sureties for bonds, professionals like judges monitoring procedure while the professional lawyers reduced consequences for their clients, white juries following the judge's instructions, and a lack of anyone trying to break the defendant out of jail so they could murder him if they disagreed with officials. Even as the national debates about Chinese migration raged, individuals did not take their racial opinions about Chinese people (indigenous were another matter) to the extent that they were willing to sabotage everyday law. Yet even more important was the operation of community sanction outside the formal procedures of the court – that is, before a case was even filed. When the stakes of cases were raised to criminal charges

134. Pam McCollum Clise, "Chinese Had Impact on PT Business," *Peninsula Daily News* 30 November 2006, Vertical File Ethnic Groups - Chinese #2, Jefferson County Historical Society, Port Townsend, Washington. Even though Lai Gok Sue had been born in Portland, she still was not technically able to own property under the state constitution.
135. Stevens, "Brokers Between Worlds," 157.

for violent acts, popular opinion of guilt, innocence, or righteousness often mattered more than official opinion. How and why some cases of everyday violence came before the courts is the subject of the next section.

Violence and Community Sanction

Unlike other kinds of conflicts, violent crimes reveal the ongoing importance of community sanction in the practical enforcement of law. Because of many practical limitations upon law enforcement capability, officials often relied upon the community to inform them of crimes, to collect or provide evidence in the form of testimony, to guarantee that witnesses show up to court by serving as sureties to bonds, to serve on juries, and even to arrest suspects. In Port Townsend, the few extant court cases – most brought by Chinese victims and not by the prosecutor in criminal court – belie the ubiquity of violent crimes against Chinese victims. As with contract law, Justice Courts seemed to handle the initial complaints and gathering of evidence, meaning that lower court record loss has likely downplayed the frequency of Chinese interactions with the courts.

The cases show that even for the civil cases initiated by victims, without bystander support most violent crimes could not come before the court, because suspects would escape. Yet bystanders rarely chose to assist Chinese victims in gaining legal redress. The few instances in which they did interfere were instances of everyday interpersonal violence rather than politically charged mass violence. They also shared a key feature: the victims endured sometimes intense brutality from their attackers without provocation. The injuries, even if they were not inflicted in “public,” or before multiple unsuspecting witnesses, were so serious as to elicit attention and therefore community opinion.

American bystanders intervened in conflicts quite differently from the beginning to the end of the nineteenth century because of greater ignorance of their neighbours' affairs and a relative lack of

inclination. To briefly summarize a complicated change, the early to mid nineteenth century was a period of transition from social intimacy to social distance for neighbours, servants or workers and masters, and extended families. Previously for (particularly northeastern) families, closely knit small communities and neighbours monitored each others' behaviour, facilitated by a practical lack of privacy in homes.[136] But by mid-nineteenth century the middle class had embraced privacy for the nuclear family unit, building new homes where neighbours could not simply enter and in which social control would be maintained by patriarchal gender relations instead of social control being provided by group surveillance and ultimate judgement by religious leaders.[137] The fall of the artisan economy and the rise of industrial workplaces made business owners and workers into opposing classes rather than individuals existing in a web of social as well as economic relationships.[138] The fall in the cost of transportation after innovations in steamboat, canal, and railroad technologies caused more movement and transience,[139] ultimately meaning that people could enter and leave other communities and escape negative reputations. All of this is to say that bystanders would not, in 1889, be as likely either to know about or to interfere in most of their neighbours' disputes as they would have in 1789.

Violent crimes could be different, however, because compared to contract violations, property disputes, or other conflicts, bystanders could actually know the crimes occurred, either by watching them happen or by seeing evidence of it later (in the injury of the victims). By criminalizing acts of

136. Laurel Thatcher Ulrich, *Good Wives: Image and Reality in Northern New England, 1650-1750* (1980; repr., New York: Oxford University Press, 1983), 51-67, 89-105, especially 55-57 and 102 on the importance of gossip to social standing. Mary P. Ryan, *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865* (Cambridge: Cambridge University Press, 1981), 18-59.

137. Ryan, *Cradle of the Middle Class*, 65-74, 145-229. Mary P. Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley: University of California Press, 1997), 94-131 on the relationship between physical space and political culture, namely the transition in the Jacksonian Era toward wide democratic participation and away from class-based deference described by Ulrich.

138. Ryan, *Cradle of the Middle Class*, 191-224. Bruce Laurie, *Artisans Into Workers: Labor in Nineteenth Century America* (New York: Noonday Press, 1989), 15-112.

139. Albert Fishlow, "Internal Transportation in the Nineteenth and Early Twentieth Centuries," in *The Cambridge Economic History of the United States: The Long Nineteenth Century, Vol. 2*, edited by Stanley L. Engerman and Robert E. Gallman (Cambridge: Cambridge University, 2000), 543-642.

violence, the legal system also asserted the ultimate right to control violence, as Charles Bradshaw expressed in 1881 at the funeral of fellow prosecutor Irving Ballard: "...The community in which [Ballard] lived had within it an organized body of men who claimed the right, and acted upon the claim to adjudge and decree that punishment even unto death, should be meted out to those upon whom their displeasure fell, and no resort need be had to the courts to punish crime...[Ballard] assisted the officers of the law in their endeavors[sic] to bring to justice those who were determined to overturned[sic] all law and establish their angry will upon its ruins."[140] For those bystanders who agreed that the government had the ultimate right to control violence (at least in some circumstances), the case files show that they intervened in crimes in multiple ways. They interfered in assaults, assisted victims with medical care and legal access, testified before the court, and served on juries in a manner that both respected the evidence and the rights of defendants.

However, the pervasive violence against Chinese victims throughout the United States and Canada shows that typically, white violence against Chinese victims in the late nineteenth century had broad community sanction and inadequate legal punishment. Jean Pfaelzer's study of national newspaper discussions of anti-Chinese violence comprehensively covers the scope of across the country, including for the 1880s a whole chapter which simply lists places where various kinds of mass violence occurred.[141] Newspapers would report notable or "amusing" instances of violence, as when one day in the late 1880s two white men in Port Townsend dragged a man around by his queue until his hair was pulled out, or at another time when a potential victim beat up his assailant to the applause of a crowd.[142] Nativist newspapers urged whites to attack Chinese whenever they could do so without

140. Address of Charles Bradshaw, Obituary of Irving Ballard, Court Journal, February 28, 1881, NWRB-Bellingham (1881).
141. Pfaelzer, *Driven Out,* 252-290.
142. Liestman, "'The Various Celestials among Our Town'," 99.

getting caught by law enforcement.[143] Gangs of young men would harass people by throwing snowballs, rocks, and eggs, cutting queues, forcing deliverymen carrying vegetables and parcels to drop them, and vandalizing Chinese properties.[144] In 1900, a "mysterious" fire destroyed parts of Port Townsend's Chinatown.[145] The *Vancouver Province*, which often covered events in Washington, noted in 1901 that "unprovoked assaults on the Chinese people by ill-mannered boys and youths were so common that they were hardly worth reporting."[146] After being appointed consul general in San Francisco in 1881, envoy Zheng Zaoru requested a transfer away from the United States in 1885. He and his staff had been overwhelmed with handling the constant violent attacks on Chinese migrants, and fled the enormous and frustrating task of protesting to a generally indifferent American government.[147] Most evidence of this violence must be gathered from sources other than legal records, because the Territory rarely filed criminal charges in response to anti-Chinese violence.

If the violence was so widespread and yet the legal response so paltry, are the few cases which exist mere anomalies, or do they matter to legal practice and everyday law? As Alexandra Harmon has shown in her study of the relationship between indigenous peoples and the American legal system, "[f]or Americans, law was more than an instrument of state power; it was also a means of defining American society and its components....Americans lived by laws; Indians were lawless."[148] The judge's words from Sam Sing's 1878 ordinance case reinforce the sense of American law as a purer, more just legal system than others: "...it is refreshing to know that in *our* county all men are equal before the law

143. Ficken, *Washington Territory*, 105.
144. Liestman, "'The Various Celestials among Our Town'," 99. Chad Reimer, *Chilliwack's Chinatowns: A History*, (Vancouver: Chinese Canadian Historical Society, 2011), 182-185.
145. Boardman, "Chinese Immigrants Discovered Freedom in Robust Seaport Town," Jefferson County Historical Society.
146. Quoted in Reimer, *Chilliwack's Chinatowns*, 182.
147. Introduction to Huang Zunxian, "Memorandum No. 20 to Envoy Zheng (1882)," in Judy Yung, Gordon H. Chang, and Him Mark Lai, eds., *Chinese American Voices: From the Gold Rush to the Present* (Berkeley: University of California, 2006), 43.
148. Harmon, *Indians in the Making*, 57.

[emphasis added]."[149] For the violence cases before the Third District Court, perhaps bystanders intervened because the brutality of the crimes invited unwelcome associations with savagery, assuming of course that they had some sort of personal identity stake in the outcome. Their ultimate motivations are in the realm of speculation since no one ever asked a witness to testify to his reasons for interfering. In the end, if the system protected the rights of Chinese victims, litigants, or defendants, clearly it did so because granting those rights served the purposes of those empowered to act in that moment, and not because it was overall interested in the victims' welfare.

Details of the first criminal charge in the Territory for a violent crime against a Chinese victim show that when violence was public and extreme, bystanders intervened in specific ways to both stop the violence and to demand specific official action. During the day of December 25, 1859, a random killing invited bystander action.[150] Sam Sing owned and operated a restaurant from his home with his brother in downtown Port Townsend. Several witnesses outside the restaurant testified to seeing the fatal end result of an argument between Sing and the first defendant, Charles Birch. Witness accounts begin with Sing and his brother physically throwing Birch outside, whereupon Birch picked a piece of bone off the ground (waste from the butcher shop across the street) and threw it at Sing. Sing, enraged, grabbed a bench from inside the building and tried to hit him. At that moment John Smith, who was standing in the street, stabbed Sing in the abdomen, a wound from which he soon died. Smith did not attempt to run, which allowed witness Charles Stillwell to rush over and perform a citizen's arrest. After watching Smith get marched off to the sheriff's house, Birch fled to Qatáy. Another witness, John Sheehan (who later worked as the sheriff himself), spotted Birch "above the Indian houses going towards Point Hudson" and helped the deputy sheriff arrest him while Birch hid in a canoe. For some

149. *Territory of Washington v. Sam Sing*, Case File 1056, NWRB-Bellingham (1878).
150. *Territory of Washington v. John Smith and Charles Birch,* Case File 204, NWRB-Bellingham (1860).

reason, no patrons inside the restaurant were subpoenaed nor Sing's brother, who presumably would have added some detail on how the fight began. Nor is it clear whether Smith and Birch even knew each other; they were tried separately, but Birch was still charged with manslaughter, suggesting the court suspected that they were equally culpable and not that Smith inserted himself into a private fight. The two trial juries had more than they needed to deliver guilty verdicts for manslaughter.

The demand for official action could hardly have been clearer. One defendant was delivered to the nearest authority and the other arrested with the combined aid of an official and bystander. Bystander disapproval supplemented the limited ability of law enforcement to be quickly physically present to make arrests, and the citizen's arrest appears to have been accepted by all as a legitimate way for a citizen to intervene. Five witnesses testified to Justice Travers Daniel, an experience which did have some potential costs, namely their time and the presumed resentment of the defendants. The opportunity to act in the moment was just as important - bystanders intervened in part because the murder took place in public rather than in private. Once the violence came to the court's attention, professionals and members of juries further indicated their disapproval of the violence by, respectively, carrying out their duties properly, and by delivering guilty verdicts after hearing strong evidence. Like the community support for the defendants in the arrest waves, the court-related actions remained important. The additional community sanction required for the prosecution of a violent crime was the citizen's arrest and the apparent lack of any attempt to free the defendants before trial.

For two later civil complaints involving violence, aid to the victims by bystanders must be reasonably presumed from the scant evidence, which consists mostly of the plaintiffs' complaints. On July 14, 1875, Port Townsend resident Ah Fooh endured a violent attack by John Street, who, according to the complaint, "struck him on his head, face and arms several blows," and he "immediately became

low, sick and disabled."[151] From his hospital bed and via his lawyer D.W. Smith, he asked the court for $2000 to pay his physician, court costs, and as compensation for his pain and suffering. But who took Ah Fooh to the hospital and arranged to hire Smith? A person as injured as he was must have had help with these tasks. If the helpers were bystanders, they did not know about or choose to intervene in the attack until too late to apprehend Street. In another case, shipmaster A.W. Keller of the *King Phillip* suddenly and violently attacked the ship's cook, Ah Chou, for preparing an unsatisfactory dinner in September 1876.[152] After bringing Keller his meal "in the ordinary manner and style," Ah Chou's complaint states that Keller suddenly "in an angry and threatening manner, talking loudly and swearing, and complaining" about the food, punched Ah Chou in the head, knocked him down, and then kicked him several times in the chest and hip. Again, the assistance of bystanders must be presumed for Ah Chou to have gotten off the ship where it was docked in Port Gamble to file a complaint in Port Townsend. Ah Fooh, perhaps in a self-serving way, does not specify the circumstances of his assault. For Ah Chou and Sam Sing, though, both had been attacked without provocation (if, for Sing, we assume John Smith was not already part of the fight). Their unprovoked yet severe injuries may have motivated bystander action.

As with cases in other areas of law, once the cases were filed in court the professionals, bystanders, and juries working in the court system did seem to carry out their duties so that Chinese victims had their rights (as victims and as plaintiffs) adequately protected. The court positively answered Ah Chou's request for Keller's arrest, which apparently occurred as it also paid U.S. Marshal Charles Hopkins $16 to hold Keller for $500 bail. However, no further aftermath is included in the case file. In Ah Fooh's case, two men named D. Wheeler and Manning were subpoenaed by Ah Fooh's

151. *Ah Fooh v. John Street*, Case file 941, NWRB-Bellingham (1875).
152. *Ah Chou v. A.W. Keller*, Case file 1019, NWRB-Bellingham (1876).

lawyer D.W. Smith to speak on Ah Fooh's behalf, though their testimony is missing. It must have been convincing, because a jury awarded "Ah Fooh damaged by loss of time and expense in the Sum of One Hundred $100 Dollars. And for bodily suffering Fifty." The incompleteness of the case files (which was also typical for cases involving only whites) obscures some of the procedures but the court seems to have taken the plaintiffs seriously.

Any protection for nonwhite victims of white crime could not be taken for granted, and depended highly on the sentiments of local communities. Juries and professionals at the national and local levels regularly declined to implement normal court procedures if they would protect nonwhite victims of white violence. In her pamphlets on the nature of lynching in the late nineteenth century, Ida B. Wells-Barnett documented widespread failures of courts to try white perpetrators of anti-black violence (both through failing to bring charges and through inappropriate jury acquittals), double standards for white criminals (especially rapists) versus black, and white apologists using supposed shortcomings of the legal system as an excuse for the murders.[153] Unlike African Americans, Chinese had the thin protection of the 1868 Burlingame Treaty, which made their abuse into an issue of international law and to which they frequently turned when victimized.[154] But in practice, local communities decided whether redress would occur. Judicial responses to mass murders of Chinese throughout the country in the mid-1880s displayed the same shortcomings - failures to act and failures to convict - as they did for lynchings of African Americans.[155] Mary Frances Berry has shown that the federal government, before and after the Civil War, tended to interpret its responsibility under the law to protect the population from violence only if victims were white; if victims of violence were black,

153. Ida B. Wells-Barnett, *On Lynchings*, edited by Patricia Hill Collins (New York: Humanity Books, 2002), 31-38, 40-41, 60-63, 76-79, 86-92, 98-107, 114, 117-120. These pages refer to specific detailed case studies of lynchings throughout the United States where the justice system was relevant in some way, with locals accusing it of failing to act against a black suspect, acquitting a black defendant, or juries refusing to indict white murderers.
154. Pfaelzer, *Driven Out*, 60, 85-86, 144,223, 226-227, 236, 250.
155. Pfaelzer, *Driven Out*, 252-290.

the federal government would deflect responsibility onto local jurisdictions.[156] The post-Civil War Supreme Court reinforced the federal government's abdication of responsibility with a series of decisions deferring to local authorities' discretion in redressing anti-black violence by whites, even when said authorities had proven complicit in the violence (or, rarely, merely incompetent).[157] These decisions had direct consequences for Chinese victims of violence. When charged in federal court, the grand jury refused to indict organizers of the 1885 Chinese Expulsion from Tacoma. The defendants' lawyers cited *United States v. Harris* (1883), which overturned the convictions of a mob of white men in Tennessee for killing a black man and beating others, on the grounds that the federal government had no Constitutional right to address crimes like assault and murder.[158]

National racial politics and institutionalized racism aside, the evidence from Port Townsend suggests that bystanders regarded everyday violence as an entirely different matter of law than mass violence. Perhaps without the cloak of a group political cause, the depravity of the assaulter was more apparent or less socially acceptable. A rare criminal charge of robbery and assault in Skagit County in 1883 highlights how the disapproval of bystanders could make the difference between an unrecorded instance of violence and a successful charge in a higher court. The defendants' attitude also reveals their perception of entitlement to violate their Chinese victim and their incomprehension that the law could actually apply to them - miscalculations quite possibly based on prior experience abusing victims to the approval of bystanders.[159] The following account of events is a synthesis of testimony offered by the victim, Sing; the defendants, George Teabo and Frank Isaacson; bystanders John Wren, Joseph Teabo

156. Mary Frances Berry, *Black Resistance, White Law: A History of Constitutional Racism in America* (1971; repr. New York: Allen Lane, 1994), 74, 75-76, 78, 82-86.
157. Berry, *Black Resistance, White Law*, 53-80, 87.
158. Pfaelzer, *Driven Out*, 224-227. They also cited the *Dred Scott* decision. The Fourteenth Amendment supposedly prevented the use of *Dred Scott* as a precedent case.
159. I say this in part because the defendants' behavior, described below, clearly indicates that they were opportunistic bullies.

(George's brother), and Lawrence Roe; and constable Jasper Gates and prosecutor Charles Bradshaw.

On the evening of June 24, 1883, Frank Isaacson and George Teabo stood in a group of men outside Linstrads saloon in a logging camp called Balls camp (or Sterling), holding down a drunk man named John Deer and blacking his face with a piece of charred cork.[160] When Deer finally resisted them strongly enough that they decided to stop the cruel prank (he had endured them for twenty to thirty minutes), they spotted an unfortunate logger named Sing walking on the road about a quarter mile away. Someone in the crowd proposed that they should blacken his face as well, so Teabo and Isaacson ran over. Teabo's brother Joseph said the proposal was to "fetch him [Sing] home," and John Wren added that the defendants were the ones who proposed to attack Sing.

Sing asked what they wanted. Teabo punched Sing in the eye and reached into his front pocket. He claimed later in court that Sing's black eye was due to the soot on his hand and that he had merely slapped him. The defendants, Joseph Teabo, and John Wren all claimed that Sing threatened to cut George Teabo with the knife in his front pocket, which is why he reached into Sing's pocket, where Sing carried two twenty dollar gold coins. Wren, however, did not see the knife and admitted that he heard about it from the defendants, nor did Constable Jasper Gates discuss a knife. Isaacson claimed he never hit Sing, but did admit to "touching" him. At this point Sing escaped and ran down the road. They yelled after him and Isaacson said "we stomped on our feet to make believe we were after him." The defendants then separated: Teabo washed off his hands and went home with his brother, while Isaacson ate dinner in a saloon. Sing travelled to Port Townsend and within a day secured a warrant for their arrest from a JP on the grounds of robbery. Only later did the prosecutor decide to file the case in District Court as a criminal assault and robbery charge.

160. *Territory of Washington v. Frank Isaacson and George Teabo*, Skagit Case File 277, NWRB-Bellingham (1883). The clerk misspelled Teabo's name as Tebo. I have used the spelling Teabo used for his signature.

The defendants clearly saw nothing wrong with their behaviour, which was, if not "brutal" in the sense of extreme violence, intended to be deeply humiliating. Being cross examined in court months after the incident, the defendants worked up some injured resentment that their abuse of Sing was considered a crime and not their right. George Teabo told the court that he had been "arrested before but [that arrest] was for a crime." Isaacson, likewise, said, "We were having fun but [I] don't know whether he [Sing] had fun or not....I think I would have taken it in equal part if strangers had tried to black my face." Joseph Teabo also attempted to bribe prosecutor Charles Bradshaw with twenty dollars to "not be too hard on his brother."

As with John Smith and Charles Birch twenty four years earlier, law enforcement relied upon bystanders to such a degree that the arrests may not have happened without their help. After receiving the warrant from the Justice court, Constable Gates travelled to Sterling the afternoon of the 25th and went into a saloon. Isaacson, upon seeing him, quickly withdrew out a back door into the woods. Gates then kept a low profile, listening to conversations. Apparently the crime was a topic of discussion, for "the men at the camp talked about the defendants going through the Chinaman. They said I would not get them."[161] He talked and listened in another saloon and around three or four the next morning went to the Teabos' house. Lurking outside, he heard Joseph urge his brother to get up and skip town. Gates arrested George as he came through the door (he was wearing slippers, suggesting that he was not planning to flee at that moment),[162] and together they went to another logging camp to find Isaacson. He hid under a table and then fled again into the woods as Gates came into the camp's dining hall. A logger named Knox, at Gates' request, tried to cajole him to be arrested, but Isaacson told the constable that it was a foreman named Shaw, on his own initiative, who persuaded Isaacson to give himself up. In

161. It is unclear whether the men meant that Gates would not be able to capture the defendants, or if they meant that law enforcement would not come to arrest them at all.

162. Teabo also said in his testimony that after he went home, he "never thought of it [the crime] until the morning I was arrested" and that he did not know Gates was looking for him.

doing so, he may have engaged in the same miscalculation that two murderers of indigenous people did when they turned themselves in during the mid-1880s. Brad Asher found that the defendants in those cases expressed a confidence that white juries would support them, and Joseph Teabo certainly thought he would find a sympathetic figure in Bradshaw.[163] A few months later in criminal court, a jury found them both not guilty of robbery or larceny, but guilty of assault. Together, the case shows that a wide variety of people both inside and out of the court system were motivated to help capture and punish Teabo and Isaacson. The community did not sanction their assault or share their sense of entitlement to abuse Sing, and that was the key element which allowed the courts to overcome the practical enforcement difficulties and secure a guilty verdict.

Although the outcome seemed favourable for Sing, the process of the case functioned more to help the government assert its ultimate right to regulate use of violence than it did to help the victim. The initial complaint and indictment, though it mentioned his black eye, focused mostly on the robbery, which was particularly important at that moment as Sing had just quit his job and the gold coins were likely his pay for weeks or even months of work. He may have been disappointed, then, to have the case scheduled to be heard months later. Or possibly he was gratified that the court took his complaint seriously enough to elevate it to criminal court, which did not happen for Ah Chou or Ah Fooh, who both endured more severe injuries. Financially, Sing did not benefit from his effort to seek legal redress. But his abuse had been taken seriously by the bystanders, court professionals, and juries to elevate the case to criminal court from Justice court, an event which almost never occurred.

Extant court evidence for the ultimate violent crime, murder, reinforces all of the elements outlined throughout this study - the necessity of the community's support of a victim, the perceived extreme brutality of the violence, the crucial work of the Justice Courts in securing evidence, the trust

163. Asher, *Beyond the Reservation*, 118-121.

of judges in Chinese/Asian testimony, and the active participation of people who were otherwise marginal or vulnerable to both violence and their erasure in historical archives.

Other than the murder case of Sam Sing in 1859, only two other murder cases with Chinese victims appeared in the Third District Court records, taking place during the mid-1880s. Both defendants, one Chinese and one Japanese, were acquitted. One case left hardly any evidence, but the other left over two hundred pages of evidence, procedural documents, and testimony, including thirteen pages of testimony from the young Japanese defendant Reozo Taneguchi. After discussing the case with the lost case file, I discuss most of the details included in the Taneguchi case even beyond the points about everyday law I wish to make in this thesis. I do so because the source has such rich evidence about the everyday lives and interpersonal relationships of people for whom such information is rare - transient, migrant, Chinese, indigenous, young, or non-English speaking.

In 1885, the court charged Chung Ock with first degree murder for shooting Lung Yung the prior December, apparently in Port Townsend (though "Jefferson County" is the listed location).[164] The court journal records five witnesses called, but not the side for which they testified: Ah Gooe,[165] Ah Lee, Ah Soon, coroner J.S. Wyckoff, and sheriff John Sheehan. The latter two witnesses would have testified for the Territory. The judge, Roger S. Greene, appointed William White and G. Morris Haller the defence attorneys since Chung Ock had no money. Thus, he ensured the defendant had lawyers experienced with Chinese clients, as Haller had represented Ah Han and Charlie Hi in 1880 and probably had worked in other cases as well. Possibly because of the high burden of proof for first

164. *Territory of Washington v. Chung Ock*, Court Journal 813, NWRB-Bellingham (1885). The witness list does not include any official from outside of Port Townsend, which suggests that the location was in town.
165. "Ah Gooe" might be the same person as "Ah Cooi," who was charged with two counts of smuggling sixty five pounds of opium each in mid-1884, and who hired Charles Bradshaw's firm to defend him. He was declared guilty of one charge and not guilty of the other, and paid a $300 fine. If he is the same person, then he would have been quite a well off merchant in Port Townsend who was still around to testify in this murder case over a year later. *United States v. Ah Cooi*, Court Journal 699, NWRB-Bellingham (1884).

degree murder (no lower charge was submitted for the jury to consider), Chung Ock was acquitted. One conclusion can be drawn from these details. Even in a murder case involving a poor and possibly transient Chinese defendant, and even in the midst of heated anti-Chinese politics in the mid-1880s, once a case reached the official level of being filed in the Third District Court, the court protected the defendant's rights.

Sometime during the night of Sunday, April 25, 1886, someone hacked Charles Hing in the face and neck with an axe while he slept in his room on the ground floor of his restaurant on Water Street.[166] He was found around noon the next morning when his cousin Ah Keown (or Ah Hem), who cooked at the restaurant, went to wake him up. The door from Hing's room into the restaurant was locked, while another door leading outside was slightly ajar, but nothing had been taken from the room, including the contents of a still locked money box and a safe. Ah Keown sent Reozo Taneguchi, who was also known as Frank L. Jones and who worked as a waiter in Hing's restaurant, to fetch the sheriff John F. Sheehan. Dishwasher Wong Ah Duck went to spread the world to people socializing at merchant Yee Gee's store, including some of the men who had slept in the building on the night of the murder. By three in the afternoon, Sheehan had assembled officials and witnesses alike, who milled among a curious and scandalized crowd. J.S. Wyckoff served as both coroner and constable. Dr. L.T. Seavey examined the body and, with a "coroner's jury" made up of respectable whites, made an initial judgement of the cause of death and a murder accusation.

All officials at the scene agreed that Taneguchi was the likely murder suspect. He was very emotionally distraught, crying in the restaurant's dining room while the officials investigated, and Marshal Thomas Delaney arrested him after he refused to go see the body. Taneguchi also had blood on

166. *Territory of Washington v. Frank L. Jones/Reozo Taneguchi*, Case File 910, NWRB-Bellingham (1886). All subsequent details from this source.

his shirt and collar. After making him strip, the marshal pointed the blood out to him during questioning, and Taneguchi ripped the shirt from his hands and rubbed furiously at the collar. In the next few days, Taneguchi and the Chinese men who lived above the restaurant would give testimony in Justice William Korter's court, with Yee Gee working as a translator for the Chinese speakers. Taneguchi, Japanese by birth who had lived in North America for less than three years, testified in generally good English.

Witnesses for the prosecution included all the officials, William Reidt (who rented a space from Hing to run a saloon), Ah Keown/Ah Hem, Gee Kee (who testified to Taneguchi's offer to sell him a pistol) and Charles Sing, a customer. Witnesses for the defence included Taneguchi's friend Henry Lambert, dishwasher Wong Ah Duck (called Warm Duck by Korter and initially mistakenly listed for the prosecution), Ong Ling (a recently hired cook), Gee Ong (an occasional worker in the restaurant who slept there the night of the murder), Ching Foy/Chin Tay (who worked as a servant for a family named Scott), and Fook Wing, a recent arrival from Hing's village in China who had gone on a walk with him the day he died.

The testimony here is some of the most extensive extant testimony from Chinese witnesses to be found in Third District Court records. The clerk recorded the testimony as spoken but not the interviewer or the question being asked. Some differences in testimony did appear between Chinese, white, and indigenous witnesses. One man named Handy, who Taneguchi identified as "half breed" and a friend, was subpoenaed, but no testimony was included. Perhaps he simply verified some facts for the sheriff (that he had spent time with Taneguchi on the night of the murder, and perhaps something about Taneguchi's bloody shirt, discussed below) and the court decided that his formal testimony was unnecessary. Or perhaps he could not be found. William Reidt was the only white non-official to testify, and his testimony (as well as his deposition) were about the same length as Ah Keown's, who of the

Chinese witnesses seemed to know the most. Like the others, Reidt was transient and frequently on the move. Not only had he run his saloon for only ten days, in the months between the crime and the convening of the criminal court in October, he had moved away to Portland and had to be compensated for his travel back to testify.

The Chinese witnesses had slept above the restaurant on the night of the murder. They did not try to avoid testifying, as they might had they expected negative repercussions (like deportation) as a result of coming to the attention of the court. The imperative to enforce the Exclusion Act, then, had not yet poisoned the relationship between white law enforcement and Chinese transient workers. All claimed to have gone to bed early and did not hear sounds related to Hing's murder, perhaps because the night had been windy, a detail Ching Foy offered. Though the format of court testimony did not provide much opportunity to volunteer information, Ong Ling told the court that Lung Gee had left the restaurant five or six days prior to go up the Sound and find work at a mill. He was not found or subpoenaed. If he had testified, perhaps he would have been able to shed light on Taneguchi and Hing's relationship. Because everyone else had arrived in Port Townsend so recently, even Ah Keown, Hing's cousin and business partner, Taneguchi's claim to know Hing for about nine months and much of his account of his own routine or the closeness of their relationship could not be verified.

Hing's murder fit the general trend of the court taking up cases in which the violence that had taken place was dramatic. His cousin Ah Keown could only glimpse inside his room before getting scared and sending for the sheriff. Hing had four major wounds on his face and neck, any one of which would have killed him on its own. His carotid artery and jugular vein had both been severed, and though Dr. Seavey judged that he had not struggled and had died quickly, the scene would have been gruesome to come upon. Sheriff Sheehan described the wall and bed as being covered with a “mass of blood,” and a blood-soaked pillow lying over Hing's face, while J.S. Wyckoff also noted that the wall

was “covered in blood,” and the body was covered with a “mass of blankets.” Arriving at the scene, L.L. Gale said that blood was on the wall, the mattress, on the pistol lying on the bed - everywhere around the body.

Nothing in Hing's room was taken. About $200 was found in the ajar safe and a locked money box had not been broken into. The apparent lack of robbery puzzled the prosecutor, whose thrust in questioning the witnesses clearly indicates that the authorities thought Taneguchi killed Hing for money. In the room he shared with the other restaurant workers, the marshals found a coin of Hing's worth about five dollars sewn into the pocket of a vest, as well as a handkerchief with Hing's name embroidered on it. Taneguchi claimed that had been a gift. They also found some cash hidden in Taneguchi's pillow and change in his pocket. Charles Sing, the customer testifying for the prosecution, confirmed that a coin in Taneguchi's pocket was one he had given to Hing in order to get change. Though the case file does not say it explicitly, the prosecution seemed to accuse Taneguchi of somehow stealing the coin from the restaurant's locked money box.

As for the blood on Taneguchi's shirt, Henry Lambert testified that the blood was his. He and Taneguchi had been “playing” (roughhousing) when he got a bloody nose. Taneguchi also stated in his testimony that the blood came from several sources. Besides Lambert, Taneguchi got his friend Handy's blood on him also while roughhousing. He also got his own blood on his clothes in disputes with other gamblers, as when “20 days ago Charlie Matthew hit me on the nose. I played poker that time, cut my lip sometime. I slipped about 7 days ago and fell down and cut my nose in the night time.” The blood, money, and the distress together suggested a guilty conscience to the authorities. But the blood could be reasonably accounted for, the money seemed to muddy the issue (why not rob the safe?), and the prosecutor made little of the emotional distress.

Certainly Taneguchi owed Hing money; he had rented space from Hing to run a shooting gallery

which folded, and indebted himself further by borrowing capital from Hing to unsuccessfully reopen the gallery.[167] Taneguchi's primary entertainments, as with many others in Port Townsend, were drinking, dancing, and gambling late into the night. He therefore existed in a state of constant debt, especially since he stated that poker games were his preferred entertainment. William Reidt, who apparently rented the former shooting gallery space from Hing and turned it into a saloon, ran the saloon for only ten days before Taneguchi worked up a tab to the point where Reidt refused to serve him any longer. Hing had agreed to let Taneguchi work off his debt in the restaurant as a waiter.

If he did kill Hing, the repeated axe hits to the face, the otherwise untouched room and money, the lack of evidence for breaking and entering, and the deep emotion at Hing's death all suggest a crime of passion, though such a conclusion was never considered by the officials of the time. Taneguchi did emphasize the closeness of his relationship with Hing, though no other witnesses verified his characterization of the relationship. He claimed at several points that Hing was variously his “partner,” a “good friend,” and “like a brother.” On the Saturday night before he was killed, Hing, Taneguchi, and a black man the court did not try to subpoena went to several saloons together, as well as a "madhouse" (a dance house) before going back to Hing's place to play cards at around eleven. More frequently, though, Taneguchi went out without Hing. Coming back on Sunday from gambling in Qatáy, probably with his friend Handy, Taneguchi described his return as follows (sic throughout): "Charlie had a light [in his room.] I knock at the door it was lock Charlies said Frank you come back. I asked Charlie What time you go to bed. I finished washing feet and lay down. if I didnt come back he would sleep. he told me that I staid out so late and keep him up and said for me not to be out so late tomorrow I said good night and he locked the door – about a month ago I came home about 6. o.clock A.M. and Charlie was

167. The fact that he had to borrow money to buy items like a target and pistols for the gallery suggests that he pawned the ones he had before.

mad Charlie staid up til 4. o.clock A.M." Dr. Seavey estimated time of death was also around three or four in the morning, after Taneguchi claimed to have gone to bed at two. According Ah Keown, Hing never brought women to stay in his room (though if he did, he may not have chosen to tell the white authorities). None of the other men sleeping in the building heard Taneguchi come in their room as they slept, though he was sleeping there when they woke.

Yet there are several indicators that Taneguchi did not kill Hing. First, the testimony from other witnesses suggests that if there were tensions between them, they kept it private (or, of course, the witnesses felt reticent about sharing). William Reidt, who rented the saloon space from Hing, did say that "I think that Charlie did not like Frank – that Frank was not much good and that he owed me [Hing] money – [but] never heard any quarrel between Charlie and Frank." Ong Ling said "once I heard Charlie say that Frank was to[o] lazy and would not get up in the morning." But Fook Wing, who was visiting Port Townsend and was from the same village as Hing, went on a long walk with Hing Sunday morning, after his excursion with Taneguchi and the black man and before his murder. Hing said nothing to him about Taneguchi. Wong Ah Duck also said that he never saw Hing scold Taneguchi, which Ah Keown and Ching Foy confirmed. Second, Taneguchi broke down emotionally not only when the body was found, but when testifying about it in court, as indicated by the clerk having to cross out two false starts in testimony and by the sudden fragmentation of his generally clear language.[168] Third, while working on Monday morning, Taneguchi roughhoused with dishwasher Wong Ah Duck, who was chopping wood behind the restaurant. Taneguchi threw some sawdust at him and

168. Ah Keown had actually sent Taneguchi to wake up Hing first Monday morning; when he got no response, Ah Keown told him to go back to waiting tables and then around an hour later went himself to wake up Hing. The testimony in question was Taneguchi remembering Hing not answering the door (sic throughout): " Knock at door but did not answer – sometime answer sometimes not – ~~I to he dont~~ I tell cook he dont answer. cooks say alright I dont call him no more – about ~~in~~ 12.M. dinner ready I call Charlie – We were all same as brother – would not stop there if not good friends – ~~felt~~ felt had When heard Charlie dead I call policeman – I no stop here [stay in Port Townsend] suppose no friends I tell policeman come back – ~~you~~ Chas Finn found him in house I want him somebody Killed my partner same as my Bro."

they wrestled, and then Taneguchi offered to finish chopping the wood for Wong Ah Duck. The axe was suspected as the murder weapon, but both Taneguchi and Wong Ah Duck insisted that the red smears on it were sawdust. This lighthearted moment seems not to fit with Taneguchi's later emotion. In any case, no firm evidence tied Taneguchi to the scene and he was acquitted by the grand jury after over 100 days in jail waiting for the District Court to convene.

Notwithstanding their clear ability to testify in court, file claims, and defendants' rights in other areas of law, Chinese residents in Washington were ultimately at the mercy of alegal violent action. Their already unlikely access to official redress depended upon the subjective opinions of bystanders as to whether the everyday violence they endured was brutal enough or enough of a danger to general law and order. The details of these cases make clear that for instances of violence, which truly were everyday experiences for Chinese, a filing in court required extensive community disapproval of the given act. That disapproval, when manifested as assistance in apprehending a suspect or persuading him to give himself up, strongly signalled to officials that they should file charges in that case and that the community would not try to help the suspect escape.

Conclusion

Analysis of the practice of everyday law in Port Townsend, Washington Territory, reveals how social contexts, restrictions on law enforcement capabilities, and community sanction affected the relationship between the American legal system and Chinese litigants and defendants. First, Transient or lower class labourers proactively sought court intervention in contract law and frequently interacted with the courts elsewhere, including when filing complaints for acts of violence committed against them. Port Townsend's unique economy also facilitated non-elite use of the courts.

Second, the willingness of the courts to grant rights such as testimony and due process also facilitated Chinese court access. In granting these rights, Americans provided concrete evidence that they felt the Chinese to be relatively more like them compared to indigenous peoples. Chinese access to rights enjoyed widespread support throughout the territorial period in Port Townsend among professionals and juries. The courts continued to grant those rights despite racially targeted municipal ordinances.

Third, the 1882 Exclusion Act only narrowly affected everyday law in Port Townsend, despite its location at a national border where migrants entered. Chinese testimony relating to their own travels was less trusted, but not testimony in other areas of law. Suspected illegal entrants could be deported without access to court appointed lawyers or other forms of due process, except that they were frequently able to hire their own experienced lawyers. Transient or lower class defendants charged with other crimes would not expect to endure deportation.

Fourth, despite their many advantages compared to indigenous peoples or Chinese people in other locations in the United States, Chinese people did not enjoy legal protections equivalent to whites because, besides the lack of suffrage and citizenship rights, the courts usually failed to protect them from both mass violence and everyday violence. Only when bystanders intervened in everyday violence and assisted a victim in bringing a charge to court would the legal system hear a violent crime case, though once a case was filed the court performed its procedures to the best of its capability. Such bystander assistance was rare, reflecting widespread complacency or approval of anti-Chinese violence.

The conclusions for Port Townsend reflect its own unique history. Its location created an economy and in-migration pattern that was not "typical" for Washington Territory, but analysis of it is still valuable in assessing claims about the relationship between law and society. Studying the practice of everyday law reveals that the people making up the courts in Port Townsend - judges, administrators,

lawyers, and juries - believed that Chinese could and should operate as defendants and litigants in the American legal system, an outcome which is surprising since they clearly did not believe that for indigenous litigants or witnesses, or for migrants violating the Exclusion Act post-1882. The court's defence of Chinese rights by all these different kinds of white participants in the legal system reveals that the Third District Court created for itself a common expectation that Chinese defendants would be treated equally once formal procedures of due process began. For other localities which did not have this shared expectation and in which parts of the court system fought itself - say, where juries thwarted court professionals or judges undermined prosecution efforts with their rulings in appealed cases - litigants would have a different set of legal opportunities and restrictions.

Evidence from Port Townsend shows that the oppressive relationship between Chinese people and the American legal system in the nineteenth and twentieth centuries was not a uniform experience, but that it depended upon the area of law and the sensibilities of people responsible for enacting law on many levels of the legal system. That is, not only the opinions of judges mattered in practice. At times, the opinion of a random bystander was more crucial to the conduct of justice than all the experience of a court's professionals. Analyses of overarching narratives or structures, while useful in providing guidance for historical inquiry, should be balanced with studies into the minutiae of extremely localized sources, because their final value is the extent to which they explain lived experiences for the people of the past. Such structures and narratives are made up of the sum of many small choices by individuals in a given place and time. Port Townsend and other places like it offer, then, the ability to test whether the sum of their small choices confirm or adjust existing knowledge about, for this study, a few of the many Chinese American experiences with the American legal system.

Bibliography

Primary Sources

Newspapers
Puget Sound Weekly Argus

Published Archives
Washington State Archives
Eastern Regional Branch (ERB) – Cheney
Northwest Regional Branch (NWRB) – Bellingham
Note: Unless otherwise stated, county for cited case is Jefferson. Listed case file numbers are the original series.

Jefferson County Historical Society, Port Townsend, Washington
Chinese Immigrants - Ethnic Groups
City of Port Townsend Collection
Col. Henry Landes Collection
Jefferson County Courthouse Jail Records, 1885-1912
Vertical File Ethnic Groups - Chinese #1
Veritcal File Ethnic Groups - Chinese #2
Vertical File Ethnic Groups - Chinese Exclusion Act

Secondary Sources

Asher, Brad. *Beyond the Reservation: Indians, Settlers, and the Law in Washington Territory, 1853-1889*. Norman: University of Oklahoma Press, 1999.

Berry, Mary Frances. *Black Resistance, White Law: A History of Constitutional Racism in America*. 1971. Reprint, New York: Allen Lane, 1994.

Camfield, Thomas W. *Port Townsend: An Illustrated History of Shanghaiing, Shipwrecks, Soiled Doves and Sundry Souls*. Port Townsend, WA: Ah Tom Publishing, 2000.

Chan, Sucheng, ed. *Entry Denied: Exclusion and the Chinese Community in America, 1882-1943*. Philadelphia: Temple University Press, 1991.

Chang, Kornel. *Pacific Connections: The Making of the U.S.-Canadian Borderlands*. Berkeley: University of California Press, 2012.

Chin, Art. *Golden Tassels: A History of the Chinese in Washington, 1857-1992.* Seattle, Washington. 1992.

Coe, Adam Daniel. "Chinese Merchants and Race Relations in Astoria, Oregon, 1882-1924." Master's thesis, Portland State University, 2011.

Duffy Burnett, Christina. "Empire and the Transformation of Citizenship." In *Colonial Crucible: Empire in the Making of the Modern American State*, edited by Alfred W. McCoy and Francisco A. Scarano, 332-341. Madison: University of Wisconsin Press, 2009.

Ficken, Robert E. *Washington Territory*. Pullman: Washington State University Press, 2002.

Fishlow, Albert. "Internal Transportation in the Nineteenth and Early Twentieth Centuries." Edited by Stanley L. Engerman and Robert E. Gallman. Vol. 2 of *The Cambridge Economic History of the United States: The Long Nineteenth Century*, edited by Stanley L. Engerman and Robert E. Gallman, 543-642. Cambridge: Cambridge University, 2000.

Fritz, Christian. "A Nineteenth Century 'Habeas Corpus Mill': The Chinese before the Federal Courts in California." *American Journal of Legal History* 32 (1988): 347-372.

Frontier Justice Records Project. *Frontier Justice: Guide to the Court Records of Washington Territory 1853-1889*. Olympia: National Historical Publications and Records Commission, 1987.

Haney-López, Ian. *White By Law: The Legal Construction of Race*. New York: New York University Press, 2006.

Harris, Cole. *The Resettlement of British Columbia: Essays on Colonialism and Geographical Change.* Vancouver: University of British Columbia Press, 1997.

Hildebrand, Lorraine Barker. *Straw Hats, Sandals and Steel: The Chinese in Washington State.* Tacoma. 1977.

Hunt, Herbert. *Tacoma: Its History and Its Builders; A Half Century Of Activity*. Vol. 1. Chicago: S.J. Clarke Publishing Company, 1916.

Jefferson County Historical Society. "Historical Timeline 1592-2007, Port Townsend, Jefferson County, Olympic Peninsula." Jefferson County Historical Society. http://www.jchsmuseum.org/rctimeline.html (accessed June 20, 2013).

Karlin, Jules Alexander. "The Anti-Chinese Outbreaks in Seattle, 1885-1886," *Pacific Northwest Quarterly* 39, no. 2 (April 1948): 103-130.

—. "The Anti-Chinese Outbreak in Tacoma, 1885." *Pacific Historical Review* 23, no. 3 (August 1954): 271-283.

Laurie, Bruce. *Artisans Into Workers: Labor in Nineteenth Century America*. New York: Noonday

Press, 1989.

Lee, Erika. *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943*. Chapel Hill: University of North Carolina Press, 2003.

—. "Defying Exclusion: Chinese Immigrants and their Strategies During the Exclusion Era." In *Chinese American Transnationalism: The Flow of People, Resources, and Ideas between China and America during the Exclusion Era*, edited by Sucheng Chan, 1-21. Philadelphia: Temple University Press, 2006.

Liestman, Daniel. "'The Various Celestials among Our Town': Euro-American Response to Port Townsend's Chinese Colony."*Pacific Northwest Quarterly* 85, no. 3 (July 1994): 93-104.

Mack, Robert Eugene. "The Seattle and Tacoma Anti-Chinese Riots of 1885 and 1886." BA thesis, Harvard University, 1972.

McClain, Charles. *In Search of Equality: The Chinese Struggle against Discrimination in Nineteenth-Century America.* Berkeley: University of California Press, 1996.

McConaghy, Lorraine. *Warship Under Sail: The USS Decatur in the Pacific West.* Seattle: University of Washington Press, 2009.

McKeown, Adam. *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900-1936.* Chicago: University of Chicago Press, 2001.

Mink, Gwendolyn. "Meat vs. Rice (and Pasta): Samuel Gompers and the Republic of White Labor." In *Racially Writing the Republic: Racists, Race Rebels, and Transformations of American Identity*, edited by Bruce Baum and Duchess Harris, 145-162. Durham: Duke University Press, 2009.

Ngai, Mae. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press, 2004.

Nokes, R. Gregory. *Massacred for Gold: The Chinese in Hells Canyon.* Corvallis: Oregon State University Press, 2009.

Olympic Peninsula Intertribal Cultural Advisory Committee. *Native Peoples of the Olympic Peninsula: Who We Are*. Edited by Jacilee Wray. Norman: University of Oklahoma Press 2002.

Peffer, George. *If They Don't Bring Their Women Here: Chinese Female Immigration Before Exclusion.* Urbana: University of Illinois Press, 1999.

Pfaelzer, Jean. *Driven Out: The Forgotten War Against Chinese Americans*. New York: Random House, 2007.

Raibmon, Paige. *Authentic Indians: Episodes of Encounter from the Late-Nineteenth-Century Northwest Coast*. Durham: Duke University Press, 2005.

Reimer, Chad. *Chilliwack's Chinatowns: A History*. Vancouver: Chinese Canadian Historical Society, 2011.

Ryan, Mary P. *Civic Wars: Democracy and Public Life in the American City During the Nineteenth Century.* Berkeley: University of California Press, 1997.

—. *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865*. 1981. Reprint, Cambridge: Cambridge University Press, 1986.

Salyer, Lucy. *Laws Harsh As Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law.* Chapel Hill: University of North Carolina Press, 1995.

Saxton, Alexander. *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California*. Berkeley: University of California Press, 1971.

Shah, Nayan. *Stranger Intimacy: Contesting Race, Sexuality, and the Law in the North American West*. Berkeley: University of California Press, 2011.

Stephens, Susan. "Port Townsend History." PTguide.com. City of Port Townsend and East Jefferson County, WA. http://www.ptguide.com/history-a-attractions (accessed June 20, 2013).

Stevens, Todd. "Brokers Between Worlds: Chinese Merchants and Legal Culture in the Pacific Northwest, 1852-1925." PhD diss., Princeton University, 2003.

Thrush, Coll. *Native Seattle: Histories from the Crossing-Over Place.* Seattle: University of Washington Press, 2007.

Ulrich, Laurel Thatcher. *Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650-1750*. 1980. Reprint, New York: Oxford University Press, 1983.

Wells-Barnett, Ida B. *On Lynchings*. Edited by Patricia Hill Collins. New York: Humanity Books, 2002.

Wynne, Robert Edward. *Reaction to the Chinese in the Pacific Northwest and British Columbia 1850 to 1910.* New York: Arno Press, 1978. Originally printed as the author's PhD diss., University of Washington, 1964.

Yang, Joshua S. "The Anti-Chinese Cubic Air Ordinance." American Journal of Public Health 99, no. 3 (March 2009): 440.

Yung, Judy, Gordon H. Chang, and Him Mark Lai, eds. *Chinese American Voices: From the Gold Rush to the Present.* Berkeley: University of California, 2006.