

California Law and Coercive Power

October 26 · Part 1 of 2 | Name: _____ | Section: _____

After the 10-minute Wright catch-up, read these two provisions together. Work with a partner to label who makes a decision, whose choices are restricted, and what the statute calls “protection.”

California: control over Indigenous minors

Any person having or hereafter obtaining a minor Indian, male or female, from the parents or relations of such Indian minor, and wishing to keep it, such person shall go before a Justice of the Peace in his Township, with the parents or friends of the child, and if the Justice of the Peace becomes satisfied that no compulsory means have been used to obtain the child from its parents or friends, shall enter on record, in a book kept for that purpose, the sex and probable age of the child, and shall give to such person a certificate, authorizing him or her to have the care, custody, control, and earnings of such minor, until he or she obtain the age of majority. Every male Indian shall be deemed to have attained his majority at eighteen, and the female at fifteen years.

[California, Act for the Government and Protection of Indians \(1850\), chapter 133, §3, printed p. 408](#)

Pause and discuss

What powers does the certificate grant? Who decides whether compulsory means were used? Identify the difference between the law’s claim about consent and proof of a child’s actual experience.

Decision maker: _____

Power granted: _____

Question the law cannot answer: _____

Vocabulary: “majority” means legal adulthood. This is California in 1850, not the Wright family’s Virginia case in 1806. The statute describes powers authorized by government; it is not an Indigenous person’s firsthand account.

Arrest and Forced Hiring

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Read the opening of §20. Circle the grounds for arrest and underline what could happen after arrest.

California: arrest and coerced hiring

Any Indian able to work and support himself in some honest calling, not having wherewithal to maintain himself, who shall be found loitering and strolling about, or frequenting public places where liquors are sold, begging, or leading an immoral or profligate course of life, shall be liable to be arrested on the complaint of any resident citizen of the county, and brought before any Justice of the Peace of the proper county, Mayor or Recorder of any incorporated town, who shall examine said accused Indian, and hear the testimony in relation thereto, and if said Justice, Mayor, or Recorder shall be satisfied that he is a vagrant, as above set forth, he shall make out a warrant under his hand and seal, authorizing and requiring the officer having him in charge or custody, to hire out such vagrant within twenty-four hours to the best bidder, by public notice given as he shall direct, for the highest price that can be had, for any term not exceeding four months; [...]

[California, Act \(1850\), chapter 133, §20, printed p. 410 \(opening excerpt\)](#)

Whole-class discussion

How could broad definitions of “vagrancy” increase officials’ control over labor? California entered the Union as a free state in September 1850. How does this statute complicate the meaning of “free state”?

Write two sentences

1. Identify one power the law authorized, citing §3 or §20.
2. Identify one question it cannot answer about an individual’s resistance.

“Wherewithal” means resources. The quoted text preserves the statute’s racial terminology; it is evidence of the law’s categories, not a description to adopt as your own. No online quiz or separate upload is required. Keep this page for class reference; California is optional essay context.