

CHINESE IMMIGRATION.

Am. - N. Amer.

SPEECH

OF

75c *risbie*
HON. GEO. F. HOAR, 1513
OF MASSACHUSETTS,

DELIVERED IN THE

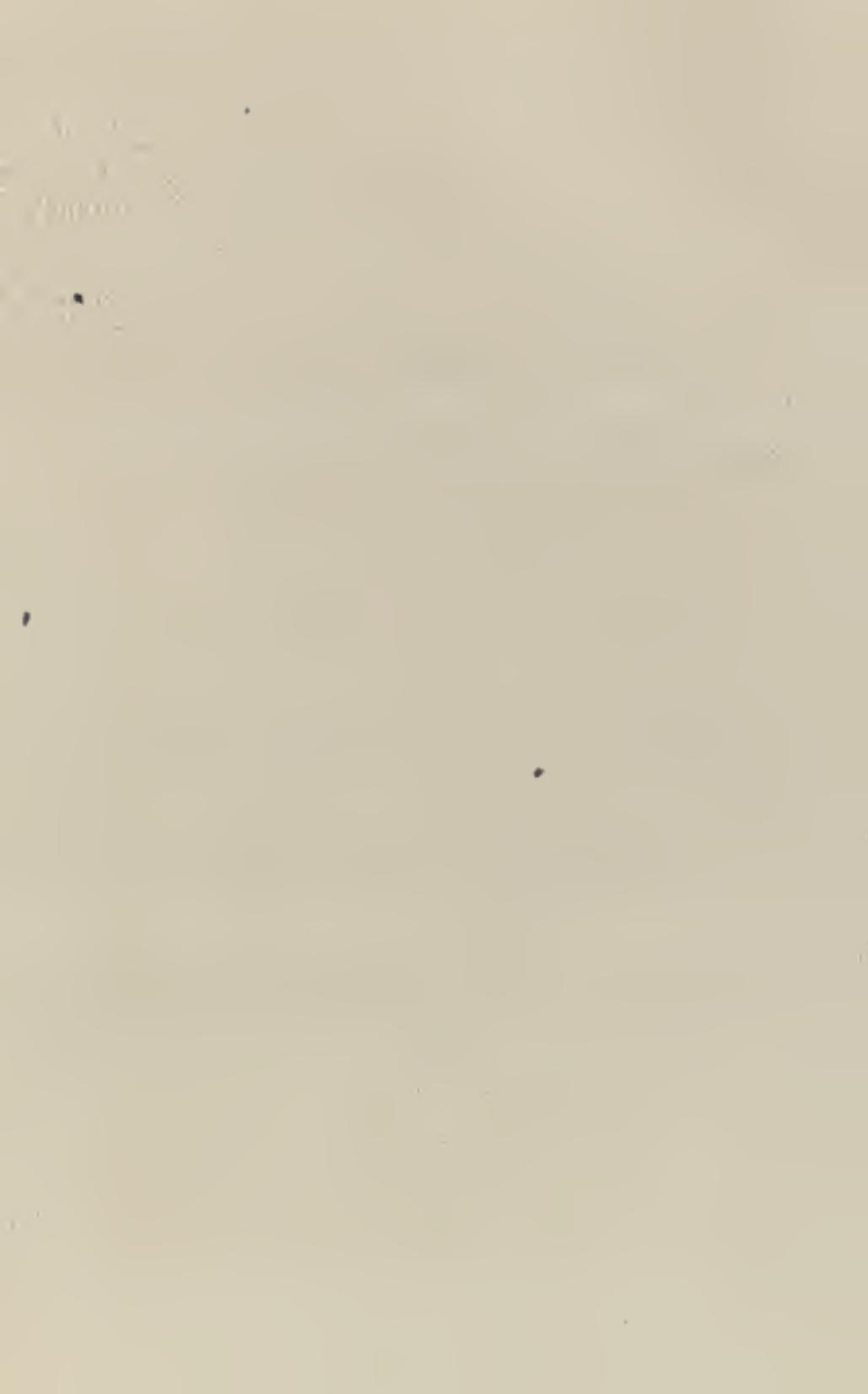
SENATE OF THE UNITED STATES,

WEDNESDAY, MARCH 1, 1882.



WASHINGTON.

1882.



S P E E C H

OF

HON. GEORGE F. HOAR,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. HOAR said:

Mr. PRESIDENT: A hundred years ago the American people founded a nation upon the moral law. They overthrew by force the authority of their sovereign, and separated themselves from the country which had planted them, alleging as their justification to mankind certain propositions which they held to be self-evident.

They declared—and that declaration is the one foremost action of human history—that all men equally derive from their Creator the right to the pursuit of happiness; that equality in the right to that pursuit is the fundamental rule of the divine justice in its application to mankind; that its security is the end for which governments are formed, and its destruction good cause why governments should be overthrown. For a hundred years this principle has been held in honor. Under its beneficent operation we have grown almost twenty-fold. Thirteen States have become thirty-eight; three million have become fifty million; wealth and comfort and education and art have flourished in still larger proportion. Every twenty years there is added to the valuation of this country a wealth enough to buy the whole German Empire, with its buildings and its ships and its invested property. This has been the magnet that has drawn immigration hither. The human stream, hemmed in by banks invisible but impassable, does not turn toward Mexico, which can feed and clothe a world, or South America, which can feed and clothe a hundred worlds, but seeks only that belt of States where it finds this law in operation. The marvels of comfort and happiness it has wrought for us scarcely surpass what it has done for other countries. The immigrant sends back the message to those he has left behind. There is scarcely a nation in Europe west of Russia which has not felt the force of our example and whose institutions are not more or less slowly approximating to our own.

Every new State as it takes its place in the great family binds this declaration as a frontlet upon its forehead. Twenty-four of the States, including California herself, declare it in the very opening sentence of their constitutions. The insertion of the phrase "the pursuit of happiness," in the enumeration of the natural rights for securing which government is ordained, and the denial of which constitutes just cause for its overthrow, was intended as an explicit affirmation that the right of every human being who obeys the equal laws to go everywhere on the surface of the earth that his welfare may require is beyond the rightful control of government. It is a

birthright derived immediately from him who "made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation." He made, so our fathers held, of one blood all the nations of men. He gave them the whole face of the earth whereon to dwell. He reserved for himself by his agents heat and cold, and climate, and soil, and water, and land to determine the bounds of their habitation. It has long been the fashion in some quarters, when honor, justice, good faith, human rights are appealed to, and especially when the truths declared in the opening sentences of the Declaration of Independence are invoked as guides in legislation to stigmatize those who make the appeal as sentimentalists, incapable of dealing with practical affairs. It would be easy to demonstrate the falsehood of this notion. The men who erected the structure of this Government were good, practical builders and knew well the quality of the cornerstone when they laid it.—When they put forth for the consideration of their contemporaries and of posterity the declaration which they thought a decent respect for the opinions of mankind required of them, they weighed carefully the fundamental proposition on which their immortal argument rested. Lord Chatham's famous sentence will bear repeating again :

When your lordships look at the papers transmitted to us from America, when you consider their decency, firmness, and wisdom, you cannot but respect their cause and wish to make it your own. For myself I must declare and avow that in all my reading and observation—and it has been my favorite study, I have read Thucydides, and have studied and admired the master states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation or body of men can stand in preference to the general Congress assembled at Philadelphia.

The doctrine that the pursuit of happiness is an inalienable right with which men are endowed by their Creator, asserted by as religions a people as ever lived at the most religious period of their history, pronounced by as wise, practical, and far-sighted statesmen as ever lived as the vindication for the most momentous public act of their generation, was intended to commit the American people in the most solemn manner to the assertion that the right to change their homes at their pleasure is a natural right of all men. The doctrine that free institutions are a monopoly of the favored races, the doctrine that oppressed people may sever their old allegiance at will, but have no right to find a new one, that the bird may fly but may never light, is of quite recent origin.

California herself owing her place in our Union to the first victory of freedom in the great contest with African slavery, is pledged to repudiate this modern heresy, not only by her baptismal vows, but by her share in the enactment of the statute of 1868. Her constitution read thus until she took Dennis Kearney for her law giver :

We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this constitution.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and defending property, and pursuing and obtaining safety and happiness.

SEC. 17. Foreigners who are or who may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

In the Revised Statutes, section 1999, Congress in the most solemn

manner declare that the right of expatriation is beyond the lawful control of government :

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness ; and

Whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship.

This is a re-enactment, in part, of the statute of 1868, of which Mr. Conness, then a California Senator, of Irish birth, was, if not the author, the chief advocate.

The California Senator called up the bill day after day. The bill originally provided that the President might order the arrest and detention in custody of "any subject or citizen of such foreign government" as should arrest and detain any naturalized citizen of the United States under the claim that he still remained subject to his allegiance to his native sovereign. This gave rise to debate.

But there was no controversy about the part of the bill which I have read. The preamble is as follows :

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness, for the protection of which the Government of the United States was established; and whereas in the recognition of this principle this Government has freely received emigrants from all nations and vested them with the rights of citizenship, &c.

Mr. Howard declares that—

The absolute right of expatriation is the great leading American principle.

Mr. Morton says :

That a man's right to withdraw from his native country and make his home in another, and thus cut himself off from all connection with his native country, is a part of his natural liberty, and without that his liberty is defective. We claim that the right to liberty is a natural, inherent, God-given right, and his liberty is imperfect unless it carries with it the right of expatriation.

The bill containing the preamble above recited passed the Senate by a vote of 39 to 5.

This doctrine, planted forever in the fundamental law of the Republic by the very act which gave it birth, imbedded in the constitution of nearly every State, was solemnly reaffirmed in the most important act of our diplomacy since America assumed her place as the principal power of the Pacific. The treaty of 1838, known as the Burlingame treaty, is the first occasion when she appears in the diplomacy of the oriental world in the character which belongs to her. Before that time the American had been known in the East only as a feeble and inferior Englishman. "American No. 2 Englishman," was the Chinese proverb. It was fitting that in that treaty we should affirm our traditional faith and incorporate in the first great act which was to give law to the nations of the Pacific this great unchanging truth. The flag bore the same legend, whether seen from the east or from the west. The Burlingame treaty was wholly our act. The commissioners who negotiated it were Americans on both sides. We have lately made one which seems to have had Chinese on both sides. The fifth article of the Burlingame treaty is as follows :

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

An influential English newspaper has lately, with a taunt, put

the question what the United States have ever done for mankind, and has intimated that we ought to interfere by diplomacy and, if need be, by force, to protect the menaced independence of weak states in the eastern hemisphere. This criticism of the policy impressed upon us by the farewell counsel of Washington is not new. We have been accustomed to answer it by the claim that our example of adherence to the great doctrine of human equality affirmed in our Declaration of Independence has been of more value to mankind a thousand-fold than any service we could render by entangling ourselves with the diplomacy or engaging in the armed conflicts of the Old World. We have pointed to the fact that we have established our Government upon the principle of equality of human rights, that we have been governed by that principle in all our public conduct. Human rights—not policies, to be altered or modified by existing governments at their discretion, according to their own conceptions of their interest or safety—but human rights having their origin in the moral law, beyond the reach of any government or any alliance, holy or unholy, of governments. We have been wont to affirm that there were some things that Government had no right whatever to do, and that the undertaking of them by any government was of itself good cause for its overthrow. We have especially claimed that the assertion of this doctrine in behalf of that largest proportion of mankind whose destiny compels them to labor for their support was our conspicuous distinction and crowning glory.

Mr. Webster, in his oration of June 17, 1843, at the completion of Bunker Hill monument, after stating as one of the four distinguishing elements of the American system of government "equality of rights," proceeds:

Few topics are more inviting or more fit for philosophical discussion than the effect on the happiness of mankind of institutions founded on these principles, or, in other words, the influence of the New World upon the Old.

After mentioning some of the natural productions which America has given to mankind in partial repayment of her debt to Europe for science and art, laws, literature, and manners he proceeds:

But America exercises influences of a much higher, because they are of a moral and political character.

America has furnished to Europe proof of the fact that popular institutions, founded on equality and capable of maintaining governments, are able to secure the rights of person, property, and reputation.

America has proved that it is practicable to elevate the mass of mankind—that portion which in Europe is called the laboring or lower class—to raise them to self-respect, to make them competent to act a part in the great right and great duty of self-government. She holds out an example a thousand times more encouraging than ever was presented before to those nine-tenths of the human race who are born without hereditary fortune or hereditary rank.

Nothing is more in conflict with the genius of American institutions than legal distinctions between individuals based upon race or upon occupation. The framers of our Constitution believed in the safety and wisdom of adherence to abstract principles. They meant that their laws should make no distinction between men except such as were required by personal conduct and character. The prejudices of race, the last of human delusions to be overcome, has been found until lately in our constitutions and statutes, and has left its hideous and ineradicable stains on our history in crimes committed by every generation. The negro, the Irishman, and the Indian have in turn been its victims here, as the Jew and the Greek and the Hindoo in Europe and Asia. But it is reserved for us at the present day, for the first time, to put into the public law of the world and into the

national legislation of the foremost of republican nations a distinction inflicting upon a large class of men a degradation by reason of their race and by reason of their occupation.

The bill which passed Congress two years ago and was vetoed by President Hayes, the treaty of 1881, and the bill now before the Senate, have the same origin and are parts of the same measure. Two years ago it was proposed to exclude Chinese laborers from our borders, in express disregard of our solemn treaty obligations. This measure was arrested by President Hayes. The treaty of 1881 extorted from unwilling China her consent that we might regulate, limit, or suspend the coming of Chinese laborers into this country—a consent of which it is proposed by this bill to take advantage. This is entitled “A bill to enforce treaty stipulations with China.”

It seems necessary in discussing the statute briefly to review the history of the treaty. First let me say that the title of this bill is deceptive. There is no stipulation of the treaty which the bill enforces. The bill where it is not inconsistent with the compact only avails itself of a privilege which that concedes. China only relaxed the Burlingame treaty so far as to permit us to “regulate, limit, or suspend the coming or residence” of Chinese laborers, “but not absolutely to prohibit it.” The treaty expressly declares “such limitation or suspension shall be reasonable.” But here is proposed a statute which for twenty years, under the severest penalties, absolutely inhibits the coming of Chinese laborers to this country. The treaty pledges us not absolutely to prohibit it. The bill is intended absolutely to prohibit it.

The second article of the treaty is this:

Chinese subjects, whether proceeding to the United States as traders, students, or merchants, or from curiosity, together with their body and household servants, and Chinese laborers, who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nations.

Yet it is difficult to believe that the complex and cumbrous passport system provided in the last twelve sections of the bill was not intended as an evasion of this agreement. Upon what other nation, favored or not, is such a burden imposed? This is the execution of a promise that they may come and go “of their own free will.”

In the beginning of the negotiations the Chinese plenipotentiaries informed those of the United States that “Last year the foreign office consented to enter upon negotiations with Mr. Seward to prohibit the four classes of cooly laborers, criminals, prostitutes, and diseased persons from going thither,” and that “they were now ready to discuss further the proposition of Mr. Seward, with the hope that an equitable solution may be reached.” Our commissioners replied:

We feel it best to inform your excellency that these propositions in no wise represent the wish or purpose of the United States Government, and that the appointment of a new minister and our presence here with full powers to negotiate ought to be to you sufficient evidence of what value you should attach to such representations. We are entirely unaware of any authority or approval given by the Government of the United States to the proposal submitted on his own responsibility by Mr. Seward to the Chinese Government.

At the conference of Wednesday, October 13, the commissioners on both sides in substance agree that the Burlingame treaty permits unrestricted immigration of Chinese to the United States, and that the purpose of the present treaty is to authorize the United States to limit that immigration. Our representatives said:

The Burlingame treaty gives to the subjects of China the right of unrestricted

immigration into the United States; at least the Government of the United States have hitherto acquiesced in that construction of the treaty.

The Chinese commissioners replied:

The propositions of Mr. Seward amounted to a modification of the Burlingame treaty; for under that treaty all Chinese, good or bad, could at their own will go to the United States, and the government of neither country could interfere.

Here is an emphatic affirmation on one side and a substantial concession by the other that the Burlingame treaty prohibits the United States from protecting itself against the entrance of these four classes. Yet the new treaty makes no provision for such exclusion in future except as to laborers.

It is clear from this brief narrative that there is not even a decent covering drawn over the transaction. Our commissioners declare that the United States has hitherto acquiesced in an interpretation of the Burlingame treaty which deprives this Government of the right to protect itself against the introduction of the four enumerated dangerous classes, and explicitly disavow the purpose of obtaining that right for the future. The commissioners say in the clearest manner:

We do not stand on an assertion of the right of self-protection against dangerous characters. We are here to obtain an assertion of the right to distinguish between Chinese and other races, and the right to distinguish between laborers and other classes, and we will be content with nothing else.

The treaty of 1881 not only does not exclude or reserve to the United States the right to exclude prostitutes, criminals, and diseased persons, but it expressly declares that their coming shall be without limit or restraint, unless they are included in the class of laborers. The instrument does three things only. For the first time, as far as I know, it places in the public law of nations a denial of the right declared by the treaty of 1868 to be "the inalienable right of man to change his home and allegiance." It establishes a distinction between races in respect to the right to pursue their happiness in lawful ways anywhere on the face of the earth, affirming a difference degrading to the Chinese. It affirms, also, a distinction between laborers and all other persons degrading to labor. This it has done at the persistent demand of the American Republic, overcoming the reluctance of the Asiatic despot.

The purpose of the framers of this treaty to strike their blow at labor, without regard to character, intelligence, or skill, is fully disclosed in an interview with Mr. Swift, one of the commissioners, reported by a San Francisco paper, and never, so far as I have heard, disavowed. This is from the account of the interview as published at the time:

Mr. John F. Swift, one of the commissioners to negotiate the Chinese treaties, was recently interviewed by a San Francisco Chronicle reporter. Mr. Swift says, in answer to one of the questions of the reporter:

WHAT ARE "LABORERS?"

"The objection has been raised," said the reporter, "that the word 'laborer' in the treaty will admit of dangerous latitude."

"There is no such possibility," replied Mr. Swift, "and for three reasons: First, the construction placed by Congress upon the word will be decisive; second, the Chinese commissioners conceded the point by leaving out the word 'mechanic,' upon which they had laid much stress; third, there are only two kinds of laborers, skilled and unskilled, and the word laborer covers both. To call a hod-carrier a laborer and not to call a weaver one is to use the word in its narrowest sense. The likelihood is that Congress will stretch it to include even physicians and those who labor with their brains. Why, the Chinese commissioners raised the issue, and suggested that the term would include even consuls."

THE TREATY WILL BE CONFIRMED.

"Then you think, Mr. Swift," said the reporter, finally, "that the treaty will be confirmed by the Senate?"

"I have no doubt of it," he answered; "and that not by any party vote, for I am of the opinion that both Republican and Democratic Senators will be of accord as to the treaty. What they will do afterward as to enacting laws to enforce it I have no idea."

Mr. FARLEY. Will the Senator allow me to ask him from what paper that is an extract?

Mr. HOAR. I am not able to answer the question at this moment. It was a very full interview with Mr. Swift, given evidently verbatim, not in substance by the reporter, but the actual language, and copied all over the United States and never disavowed. The Senator himself, I think, moved an amendment to the bill to carry out Mr. Swift's prophecy, by proposing to add a section that the word "laborers" should be held to include all laborers, whether skilled or unskilled.

Mr. FARLEY. I beg the Senator's pardon. That amendment was offered by the honorable Senator from Oregon; [Mr. GROVER.]

Mr. HOAR. I beg the Senator's pardon myself. I was thinking at the moment that the Senator from California offered it. Here is a declaration made by a compact between the two greatest nations of the Pacific, and now to be re-enforced by a solemn act of legislation, which places in the public law of the world and in the jurisprudence of America the principle that it is fit that there should hereafter be a distinction in the treatment of men by governments and in the recognition of their rights to the pursuit of happiness by a peaceful change of their homes, based not on conduct, not on character, but upon race and upon occupation. You may justly deny to the Chinese what you may not justly deny to the Irishman. You may deny to the laborer what you may not deny to the scholar or to the idler. And this declaration is extorted from unwilling China by the demand of America. With paupers, lazzaroni, harlots, persons afflicted with pestilential diseases, laborers are henceforth to be classed in the enumerations of American public law.

Certainly, Mr. President, this is an interesting and important transaction. It is impossible to overstate or to calculate the consequences which are likely to spring from a declaration made by the United States limiting human rights, especially a declaration in a treaty which is to become the international law governing these two great nations. As my friend from California [Mr. MILLER] well said, it is of the earth, earthy. The United States within twenty years has taken its place as the chief power on the Pacific. Whatever rivalry or whatever superiority we may be compelled to submit to elsewhere, our advantage of position, unless the inferiority be in ourselves, must give us superiority there. Are we to hold out two faces to the world, one to Europe and another to Asia? Or are we to admit that the doctrine we have proclaimed so constantly for the first century of our history is a mere empty phrase or a lie?

For myself and for the State of Massachusetts, so far as it is my privilege to represent her, I refuse consent to this legislation. I will not consent to a denial by the United States of the right of every man who desires to improve his condition by honest labor—his labor being no man's property but his own—to go anywhere on the face of the earth that he pleases.

I have said that this bill seems to me to violate the provisions of the treaty it professes to execute. It does more. It confers on every

collector of customs the authority to seize and forcibly remove from the country, without trial or legal process, every person of Chinese race whom he shall determine to be in the United States in violation of its provisions. The alien laws of June 25 and July 7, 1798, passed when war was deemed imminent, at a time of great and dangerous excitement, conferred upon the President of the United States for a period limited to two years the power to order out of the country aliens whose presence he might judge dangerous to its peace, and gave him the further authority in case of actual war to cause the removal of resident aliens natives or citizens of the hostile nation.

These acts, passed against the protest of Hamilton, went far to cause the downfall of an administration. The alien law was overthrown because it intrusted the highest officer of the Government, the great constitutional lawyer and lover of liberty, John Adams, with the power for two years to order the removal of a single person whose presence for good cause he deemed dangerous to the public peace. But here a local officer of the smallest customs district may, yes, must, forcibly seize and expel, without trial or judicial hearing, the Chinese whom he finds within his precinct, however excellent his character, however advantageous his presence. We have experienced evils which required legislation to regulate immigration from other countries. But we have hitherto directed our remedy to the complaint.

There may be much that is wrong connected with the coming of these people from China, especially the importation of coolies. But let us in our statute use language which fitly describes the evil and would prevent, not language which strikes at the prerogative with which Government has no right to interfere. It is not importation, but immigration; it is not importation, but the free coming; it is not the slave, or the apprentice, or the prostitute, or the leper, or the thief, but the laborer at whom this legislation strikes its blow.

What has happened within thirteen years that the great Republic should strike its flag? What change has come over us that we should eat the bravest and the truest words we ever spoke? From 1858 to 1880 there was added to the population of the country 42,000 Chinese.

I give a table from the census of 1880 showing the Chinese population of each State:

Statement showing the Chinese population in each State and Territory, according to the United States censuses of 1870 and of 1880.

States and Territories.	1870.	1880.
Alabama.....		4
Alaska.....		
Arizona.....	20	1,630
Arkansas.....	98	134
California.....	49,310	75,025
Colorado.....	7	610
Connecticut.....	2	124
Dakota.....		238
Delaware.....		1
District of Columbia.....	3	13
Florida.....		18
Georgia.....	1	17
Idaho.....	4,274	3,378
Illinois.....	1	210
Indiana.....		33
Iowa.....	3	47
Kansas.....		19
Kentucky.....	1	10

Statement showing the Chinese population, &c.—Continued.

States and Territories.	1870.	1880.
Louisiana	71	481
Maine	1	9
Maryland	2	5
Massachusetts	97	237
Michigan	2	27
Minnesota		58
Mississippi	16	52
Missouri	3	94
Montana	1,949	1,764
Nebraska		18
Nevada	3,182	5,420
New Hampshire		14
New Jersey	15	176
New Mexico		55
New York	29	924
North Carolina		
Ohio	1	114
Oregon	3,330	9,513
Pennsylvania	14	160
Rhode Island		27
South Carolina	1	9
Tennessee		26
Texas	25	141
Utah	445	501
Vermont		
Virginia	4	6
Washington	234	3,182
West Virginia		14
Wisconsin		16
Wyoming	143	914
Total	63,254	165,463

By the census of 1880 the number of Chinese in this country was 165,000—one five-hundredth part of the whole population. The Chinese are the most easily governed race in the world. Yet every Chinaman in America has four hundred and ninety-nine Americans to control him. I desire to read a letter written me by Edward Cunningham, esq., of Milton, Massachusetts, a high authority, which is full of information on this as on other points connected with our Chinese policies:

EAST MILTON, January 25, 1881.

MY DEAR MR. HOAR: Mr. Forbes thinks you would take the trouble to read the letter if I wrote one about Mr. Angell's treaty and even that I might communicate something useful. I doubt it, but will write the letter, as you probably have an open fire-place and sit near it!

I cannot myself see why the United States had need to ask any thing of China, supposing restrictions on immigration were necessary; but as that seems to be taken for granted, it is only open to object to the way in which it was asked.

Any one acquainted with the course of the long-continued negotiations with China by foreign ministers and envoys, now covering nearly forty years, would say, I am sure, that what we wanted could have been got from China as a favor to her, without any talk of concessions on our part.

Take, for instance, one lever, which the commissioners would have heard of at once if they had talked with any resident or well-informed person on Chinese affairs—the government dread of secret societies. China is filled with secret societies and they are always being pursued by the government and are always a source of anxiety. If our commissioners had approached their business in a diplomatic way, feeling their way, all these matters would have come to the surface. If they had said that the habit of the Chinese in handing together for purposes of immigration, and especially the existence of secret societies among them, made it necessary for their own protection against violent men in the United States that we should have

especial regulations, they would have accorded the right without an objection, without asking whether the regulations were to cause "restrictions," or prohibition even.

But, granting that they knew too much for this, did commissioners ever give themselves so entirely away for a comparatively empty equivalent? The Chinese Government were asked for something about which they notoriously did not care two cents. They have never encouraged or liked emigration, and they do not now. They hate it when it is to countries from which the emigrants return with (to them) revolutionary ideas. For this unsubstantial thing the commissioners in their generous zeal for China hasten to give away our privilege in the favored-nation clause, and leave Americans out in the cold in every branch of local trade. For that is the meaning of the opium clause. Opium from its high value and the very slender margin of profit on which it is conducted, is almost more a medium of exchange than an article of commerce to the nations outside of England and China. If used at all as a branch of trade it is used as a remittance from one port to another; and were new and small ports opened, too small for the establishment of branch banks, the prohibition to buy and sell opium would, I have no doubt, prevent Americans from participating in the trade of such places. The effect of such disability is certainly trifling as China's trade is now conducted, but the point remains the same that our own negotiators have willfully and with open eyes placed us at disadvantage.

In the matter of the carrying trade the injury is positive and sensible, since American vessels can no longer compete with English, German, or Chinese in a carrying trade which was opened to us after being opened to the English, and has been bragged of by American diplomats as a great achievement and concession, though due solely to the English. Apparently it is now thought too good for us, and is taken away.

The article about the law of the defendant, if it have any effect, will be one injurious to Americans. The treaties were intended to be so interpreted, but also intentionally were made slightly obscure—say rather, the point was slurred over, for they are not obscure, because while the negotiators could not demand that a Chinese defendant on his own ground should be subjected to English law they saw that an English creditor would never get anything from a Chinese debtor in a Chinese court.

So they slurred it over, trusting to after arrangements—a wise trust. What they soon did and established by convention was to institute a mixed court, where an English consul and a Chinese judge sat together. As was foreseen, the Chinese, having no legal laws and forms of inviolable rule, and the English having them, these mixed courts became in point of fact foreign courts where justice and not injustice was administered, and where bribery was reduced to the lowest point possible where Chinese officials are present.

I suppose that is now upset by this formal enactment. Taking the whole thing, it looks as if pomposity was at the bottom of the miserable failure.

Political considerations demanded that something should be done about Chinese immigration, and Mr. Everts wanted to make a treaty, and Mr. Angell, Mr. Treacott, Mr. Swift wanted to show how raw American staff would work into first-class negotiators. So every thing is as pompous as possible. Pomp without the circumstance.

As for opium, when one knows that China raises double the opium she imports, unchecked by the authorities; that India produces two and a half times as much as she sends to China, the residue being consumed in India, the straits, and adjacent countries, (quite as much, if not more, per capita, than in China,) that no one has the ghost of a gran for all those consumers, simply because there is no chance there for a slap at the Britisher, he begins to set at its proper value the sympathy thrown away on China for her sad trials under the tyranny of the English poppy grower.

But the whole thing is to me so mean and disgusting, that I half wish that all our relations with China, trade and all, should go to ruin. That Chinamen should never come here would be no matter. But that they should not come because our republic of workmen is afraid of their industry, frugality, and thrift, is too shameful for consideration.

It is that, of course, for there is no difficulty in controlling and governing them. In the foreign settlement at Sbanghai we had (and they now have) a Chinese population of about seventy thousand living under one municipal government administered by a council composed of residents and backed up by the consular body, the police force being, if I recollect rightly, under one hundred men. They are kept in perfect order and the structure of houses and the drainage are made part of municipal affairs. In Hong-Kong a similar population, only much more turbulent owing to the presence of a considerable piratical population, is equally easily governed.

Yours, very truly,

EDWARD CUNNINGHAM.

P. S.—I wrote a letter published in the Nation of January 20, which perhaps gives other points, and is at all events more concise than this.

The immigration also was constantly decreasing for the last half of the decade. The Bureau of Statistics gives the numbers as follows, (for the first eight years the figures are those of the entire Asiatic immigration:)

The number of immigrants from Asia, as reported by the United States Bureau of Statistics is as follows, namely:

For the year ended June 30—	
1871.....	7,236
1872.....	7,825
1873.....	20,326
1874.....	13,857
1875.....	16,498
1876.....	22,943
1877.....	10,640
1878.....	9,014
Total	148,339
And from China for the year ended June 30—	
1879.....	9,604
1880.....	5,802
Total	15,406
Grand total	123,745

Very respectfully,

C. S. MIXTER,
Chief of Division.

See also, Mr. President, how this class of immigrants, diminishing in itself, diminishes still more in its proportion to the rapidly increasing numbers who come from other lands. Against 22,943 Asiatic immigrants in 1876, there are but 5,802 in 1880. In 1878 there were 9,014 from Asia, in a total of 153,207, or one in seventeen of the entire immigration; and this includes all persons who entered the port of San Francisco to go to any South American country. In 1879 there were 9,604 from China in a total of 250,565, or one in twenty-six. In 1880 there were 5,802 from China in a total immigration of 593,359, or one in one hundred and two. The whole Chinese population, then, when the census of 1880 was taken, was but one in five hundred of our people. The whole Chinese immigration was but one in one hundred and two of the total immigration; while the total annual immigration quadrupled from 1878 to 1880, the Chinese was in 1880 little more than one-half what it was in 1878, and one-fourth what it was in 1876.

The number of immigrants of all nations was 720,045 in 1881. Of these 20,711 were Chinese. There is no record in the Bureau of Statistics of the number who departed within the year. But a very high anti-Chinese authority places it above 10,000. Perhaps the expectation that the hostile legislation under the treaty would not affect persons who entered before it took effect stimulated somewhat their coming. But the addition to the Chinese population was less than one seventy-second of the whole immigration. All the Chinese in the country do not exceed the population of its sixteenth city. All the Chinese in California hardly surpass the number which is easily governed in Shanghai by a police of one hundred men. There are as many pure blooded Gypsies wandering about the country as there are Chinese in California. What an insult to American intelligence to ask leave of China to keep out her people, because this little handful of almond-eyed Asiatics threaten to destroy our boasted civilization. We go boasting of our democracy, and our superiority, and our strength. The flag bears the stars of hope to all nations.

A hundred thousand Chinese land in California and every thing is changed. God has not made of one blood all the nations any longer. The self-evident truth becomes a self-evident lie. The golden rule does not apply to the natives of the continent where it was first uttered. The United States surrender to Chiua, the Republic to the despot, America to Asia, Jesus to Joss.

The advocates of this legislation appeal to a two-fold motive for its support.

First. They invoke the old race prejudice which has so often played its hateful and bloody part in history.

Second. They say that the Chinese laborer works cheap and lives cheap, and so injures the American laborer with whom he competes.

The old race prejudice, ever fruitful of crime and of folly, has not been confined to monarchies or to the dark ages. Our own Republic and our own generation have yielded to this delusion, and have paid the terrible penalty. I do not mean to go over the ground which Mr. Sumner, with his accustomed industry and learning, so thoroughly traversed in his lecture upon caste. But I wish to plant myself upon the greatest authority in modern science, himself perhaps the most perfect example of the greatness of the capacity of the human intellect under the most favorable conditions. Listen to Alexander von Humboldt, as quoted by Mr. Sumner:

While we maintain the unity of the human species, we at the same time repel the depressing assumption of superior and inferior races of men. There are nations more susceptible of cultivation, more highly civilized, more ennobled by mental cultivation, than others, but none in themselves nobler than others.—*Alexander von Humboldt, quoted in Sumner's Works, volume 13, page 157.*

What argument can be urged against the Chinese which was not heard against the negro within living memory? The visionary of the East, as he was called, was taunted with meddling with social arrangements of which he had no experience, and standing at a distance to watch evils from which he was safe. The negroes were savages, heathens, wild beasts. The master and the owner could judge much better how to deal with them than these sickly philanthropists. I do not need to go to the holders of slaves for examples of this prejudice. The Attorney-General of Massachusetts, in Faneuil Hall, compared the negroes to caged wild beasts. He charged Dr. Channing and his associates with the purpose of letting them loose to cut their masters' throats, when they demanded free speech for the abolitionist. The great political parties vied with each other in pandering to this prejudice. How completely has the experience of a single generation vindicated the justice of the Creator and the truth of the immortal declaration. An eminent citizen of my own State has recently published an account of an interview with the grandsons of John C. Calhoun.

In the course of a conversation upon the events preceding the war, with two grandsons of John C. Calhoun, the writer was somewhat startled by a remark substantially to this effect:

"If my grandfather and his associates had known as much about the negro as I know, and could have had the same faith in his capacity for progress which I have attained from my own experience, there would have been neither slavery nor war."

"Do you mean to tell me," I asked, "that your grandfather feared liberty for the black, however compassed?" "Of course I mean that," said he; "what other justification could there have been? He and his associates believed that the two races could not exist together upon the same soil except in the relation of masters and slaves."—*Edward Atkinson, in Scribner's, for February, 1882.*

Who now so bold as to deny to the colored race fitness for citizenship. Twenty years have not passed by since the children of the African savage were emancipated from slavery. In that brief space

they have vindicated their title to the highest privileges and their fitness for the highest duties of citizenship. These despised savages have sat in the House and in the Senate. I have served with them for twelve years in both branches. Can you find an equal number, chosen on any principle of selection, whose conduct has been marked by more uniform good sense and propriety? I have seen most accomplished debaters unhorsed with as much dexterity as courtesy by one of this despised race. Coming to his place in the community, he has shown no memory of his centuries of wrong. Revenge and hate, those fires of hell, can find no fuel in the negro's breast. When Massachusetts desired to provide for a fitting eulogy to her great Senator she summoned to her service two of the most famous orators in the country. It is no injustice to those accomplished gentlemen to declare that their masterpieces did not surpass the address delivered in Fanenil Hall on the same theme by Robert B. Elliott, of South Carolina, a full-blooded African. One of this people has but lately left the Senate. We have all of us seen him here. I have seen him sitting in the chair where you now preside. In courtesy, modesty, dignity, wisdom, tact, in what other needed quality did he fall below the character of an American Senator?

There have been few scenes to me more impressive than when, in a single sentence, he uttered the protest of his own people against this legislation. Mr. Bruce said :

Mr. President, I desire to submit a single remark. Representing as I do a people, who but a few years ago were considered essentially disqualified from enjoying the privileges and immunities of American citizenship, and who have since been so successfully introduced into the body politic, and having large confidence in the strength and assimilative power of our institutions, I shall vote against the pending bill.

It is scarcely forty years since the Irishman, who has been such a source of wealth and strength to America, began his exodus across the sea. There are men in this body, whose heads are not yet gray, who can remember how the arguments now used against the Chinese filled the American mind with alarm when used against the Irishman. He comes, said the honest bigotry of that day, only to get the means of living, and then to return; he will drive the American to starvation by the competition of his cheap labor; he lives in squalor and filth; he wants only a few potatoes for food; he is blindly attached to the Popish religion; he owes allegiance to a foreign potentate; he is incapable of intelligent citizenship.

Let me read a passage from Carlyle's *Chartism*, first published in 1839 :

Crowds of miserable Irish darken all our towns. The wild Milesian features, looking false ingenuity, restlessness, unreason, misery, and mockery salute you on all highways and byways. The English coachman, as he whirrs past, lashes the Milesian with his whip, curses him with his tongue.

I do not know whether that happens in California—

The Milesian is holding out his hat to beg. He is the sorest evil this country has to strive with. In his rags and laughing savagery, he is there to undertake all work that can be done by mere strength of hand and back, for wages that will purchase him potatoes. He needs only salt for condiment; he lodges to his mind in any pig-hutch or dog-hutch, roosts in outhouses; and wears a suit of tatters the getting off and on of which is said to be a difficult operation, transacted only on festivals and the high tides of the calendar. The time has come when the Irish population must either be improved a little or else exterminated.

De Quincy points out—

The hideous extent to which Irish intruders upon Scotland had taken the bread out of her own children's mouths.

Even the humane and liberal John Stuart Mill says:

If there were no other escape from that fatal immigration of the Irish—which has done and is doing so much to degrade the condition of our agricultural and some classes of our town population—I should see no injustice and the greatest possible expediency in checking that destructive inroad by prohibitive laws.

In the early edition of his Political Economy, Mr. Bowen, the learned and able professor at Harvard, expresses the same fear for America. He says the annual addition to our population of 400,000 foreigners, of whom one-fourth are Irish, is likely to effect a general and great depreciation in the price of labor.

Throw down the little that is left of our protective system—

He proceeds—

and let the emigration from Great Britain and Ireland to our shores increase to half a million annually, and within the lifetime of the present generation the laborer's hire in our Atlantic States will be as low as it is in England. This we should regard as the greatest calamity which the folly of men or the wrath of Heaven could bring upon the land.

These are but temperate expressions of opinions which drove less intelligent persons to frenzy and crime. The streets of Baltimore and of New Orleans ran with Irish blood. A great party was founded, and swept some States, on a platform of opposition to foreigners.

I suppose no person now would like to repeat the arguments which were addressed to the Know-nothing party in 1855. The Irishman has contributed by his labor to cover our land with railroads, which in their turn create cities, give value to land, and open new opportunities for labor. His sons and daughters are found in large numbers in our factories. He is acquiring land. He is a large depositor in our savings banks. He rendered indispensable service in war. More and more every year he ceases to be the dupe of demagogues, and is learning the higher duties of citizenship. Meantime, the wage of the American workman is higher and not lower for his presence. While he has bettered his own condition he has raised to a higher grade of social life and wealth the American laborer whose place he has taken.

We have another race problem still unsettled in this country. The history of Indian wars, of broken treaties, of a thousand million of dollars lavished in ninety years on a people of a fourth of a million in number illustrates the folly of dealing with savages by the methods of savages. Let me cite a single witness to the result of the method prescribed by the author of Christianity.

Hear the last thanksgiving proclamation of D. W. Bushyhead, the present principal chief of the Cherokee Nation:

Last year the census of the population and possessions of the Cherokee Nation was first taken within their history. We have now counted our treasures and know for what and for how much we should feel grateful as a family of people having and occupying one home in common. From this authentic source we find our people blessed with one hundred and two primary schools for a rapidly-increasing population of 20,300 citizens; two high schools, male and female; an orphan asylum, an asylum for the unfortunate—insane, blind, and helpless; forty-five churches and as many native ministers of the gospel; one hundred and fifty native teachers by profession; a written constitution and code of laws; a government consisting of executive, legislative, and judicial branches, well understood and administered; a people peaceful and progressive, and in all material regards more than self-supporting; and having but five fishermen and fifteen hunters by occupation left among them as the last vestige of a savage state from which we have been rescued within the memory of men yet living by the goodness of an overruling Providence.

"Such is the situation of the Cherokee Nation to-day, in a fair and ample country secured to them by treaty and by patent, and of which the honor and honesty of their great earthly protector, the United States Government, is pledged to guard their possession.

"Such are the blessings for which our thanks are continually due, among which

blessings the first and best of all is saving knowledge whence they come and a sense of obligation which restrains pride.

"Therefore I, D. W. Bushyhead, principal chief of the Cherokee Nation, do hereby, in pursuance of an ancient Christian custom and the recommendation of the President of the United States, appoint Thursday, November 24, A. D. 1881, as a day of public thanksgiving throughout this nation, and call upon the Cherokee people to devote the time designated to the giving of expressions and evidences of their thankfulness to the Supreme Being for his kindness and love, in such ways and by such observances as shall become a Christian, orderly, and conscientious people. Let us thank Him for all His dispensations, as gifts of his goodness for our good, never forgetting that blessings are such indeed only when used in the cause of the Great Giver, which is the happiness of all alike; and that the results of our shortcomings are but benevolent cautions against evil—no less blessings, if we so regard them, than the happy consequences of virtuous life."

There is another most remarkable example of this prejudice of race which has happily almost died out here, which has come down from the dark ages and which survives with unabated ferocity in Eastern Europe. I mean the hatred of the Jew. The persecution of the Hebrew has never, so far as I know, taken the form of an affront to labor. In every other particular the reproaches which for ten centuries have been leveled at him are reproduced to do service against the Chinese. The Hebrew, so it was said, was not a Christian. He did not affiliate or assimilate into the nations where he dwelt. He was an unclean thing, a dog, to whom the crime of the crucifixion of his Savior was never to be forgiven. The Chinese quarter of San Francisco had its type in every city of Europe. If the Jew ventured from his hiding place he was stoned. His wealth made him the prey of the rapacity of the noble, and his poverty and weakness the victim of the rabble. Yet how has this Oriental conquered Christendom by the sublimity of his patience? The great poet of New England, who sits by every American fireside a beloved and perpetual guest, in that masterpiece of his art, the Jewish Cemetery at Newport, has described the degradation and the triumph of these persecuted children of God.

How came they here? What burst of Christian hate,
 What persecution, merciless and blind,
 Drove o'er the sea—that desert desolate—
 These Ishmaels and Hagars of mankind?
 They lived in narrow streets and lanes obscure,
 Ghetto and Judenstrass, in mirk and mire;
 Taught in the school of patience to endure
 The life of anguish and the death of fire.

Anathema maranatha! was the cry
 That rang from town to town, from street to street;
 At every gate the accursed Mordecai
 Was mocked and jeered, and spurned by Christian feet.

Pride and humiliation hand in hand
 Walked with them through the world where'er they went;
 Trampled and beaten were they as the sand,
 And yet unshaken as the continent.

Forty years ago—

Says Lord Beaconsfield, that great Jew who held England in the hollow of his hand, and who played on her aristocracy as on an organ, who made himself the master of an alien nation, its ruler, its oracle, and through it, and despite of it, for a time the master of Europe—

Forty years ago—not a longer period than the children of Israel were wandering in the desert—the two most dishonored races in Europe were the Attic and the Hebrew. The world has probably by this discovered that it is impossible to destroy the Jews. The attempt to extirpate them has been made under the most favorable auspices and on the largest scale; the most considerable means that man

could command have been pertinaciously applied to this object for the longest period of recorded time. Egyptian Pharaohs, Assyrian kings, Roman emperors, Scandinavian crusaders, Gothic princes, and holy inquisitors, have alike devoted their energies to the fulfillment of this common purpose. Expatriation, exile, captivity, confiscation, torture on the most ingenious and massacre on the most extensive scale, a curious system of degrading customs and debasing laws which would have broken the heart of any other people, have been tried, and in vain.

Lord Beaconsfield admits that the Jews contribute more than their proportion to the aggregate of the vile; that the lowest class of Jews are obdurate, malignant, odious, and revolting. And yet this race of dogs, as it has been often termed in scorn, furnishes Europe to-day its masters in finance and oratory and statesmanship and art and music. Rachel, Mozart, Mendelssohn, Disraeli, Rothschild, Benjamin, Heine, are but samples of the intellectual power of a race which to-day controls the finance and the press of Europe.

I do not controvert the evidence which is relied upon to show that there are great abuses, great dangers, great offenses, which have grown out of the coming of this people. Much of the evil I believe might be cured by State and municipal authority. Congress may rightfully be called upon to go to the limit of the just exercise of the powers of government in rendering its aid.

We should have capable and vigilant consular officers in the Asiatic ports from which these immigrants come, without whose certificate they should not be received on board ship, and who should see to it that no person except those of good character and no person whose labor is not his own property be allowed to come over. Especially should the trade in human labor under all disguises be suppressed. Filthy habits of living must surely be within the control of municipal regulation. Every State may by legislation or by municipal ordinance in its towns and cities prescribe the dimension of dwellings and limit the number who may occupy the same tenement.

An argument is based on the character of the Chinese. You should take a race at its best, and not at its worst, in looking for its possibilities under the influence of freedom. The Chinese are in many particulars far superior to our own ancestors as they were when they first came forth into the light of history. Our British forefathers, at a time far within the historic period, remained in a degradation of superstition and a degradation of barbarism to which China never descended. Centuries after the Chinese philosopher had uttered the golden rule, and had said, "I like life and I like righteousness; if I cannot keep the two together I will let life go; and choose righteousness," the Druids of Britain were offering human sacrifices to pagan deities. We must take a race at its best in determining its capacity for freedom. This race can furnish able merchants, skillful diplomatists, profound philosophers, faithful servants, industrious and docile laborers. An eminent member of the other House told me that he had dealt with Chinese merchants to the amount of hundreds of thousands, perhaps millions, and that they had never deceived him.

Joaquin Miller, the poet of the Pacific coast, writes a letter giving the result of his observation as a magistrate for four years, every word of which is worth reading:

To the Editor of The Tribune:

SIR: Fearful that the President of the United States may be induced to sign the Chinese anti-emigration bill, I beg to submit to his consideration the following brief statements: In the first place it is claimed that this is a bill which the Pacific people have deeply at heart. I venture to assert that not half of the solid wealth and worth of the far West, outside of the politicians, favor this bill. I have many letters

protesting against it as a coarse and cruel measure. My parents, all my people, my heart and my home are there. I know the hardy, honest-hearted settlers there, and I know that they protest against this measure which politicians are trying to compel through Congress in their name. And why is this being done? As early as 1854 this cry against the Chinese began to be heard along the wharves and about the hotels of San Francisco. It came from Irish laborers and porters, but the cry was equally loud against the negro and the Mexican. In a few years it became more loud, and centered on the Chinaman, for the Mexican had melted away before us and the negro had gravitated back home. But the cry now came also from the Irish "help," who, by extortionate wages, had brought the Chinamen in competition. These chambermaids, &c., had brothers, lovers. These brothers and lovers were voters—makers of Congressmen. The Chinamen did not vote, and so had no champion. This is the key to the whole question. This outcry against the Chinamen has from that day been a political shibboleth. No man yet, so far as I have known, has gone to Congress and had the manhood to rise in his place and bravely tell the truth and speak a fearless word for this silent and friendless stranger.

About 1856 the Chinaman began to take hold of the placer mines alongside of the miners of the Sierras. Up to that time he had confined himself, as a rule, to the pan and rocker and kept in the wake of the white miner; but now he took to the long tom, sluice, and flume, and bought and worked mines on a large scale. He never ventured to "take up" a claim, but timidly held his ground by bill of sale from some speculator, who had sold it to him at a fabulous price. The honest men of the Sierras welcomed them, and side by side they worked together for many years; and I am certain that every miner of those days who has no selfish ends to serve will gladly testify to the honesty, industry, and neighborly good-nature of these silent little brown men. These people, at the same time, were terribly taxed by the county-authorities; but they always came up promptly, and without a word of complaint paid what was demanded of them. At Cañon City, Grant County, Oregon, this monthly tax was \$5 a head for every Chinaman. They had to constantly endure wrongs from every drunken ruffian or reckless "hoodlum" who saw fit to impose upon them; yet they were the most peaceful people we had among us. I sat on the bench as judge of this county for four years, and I will state on the honor of a magistrate that the calendar, both criminal and civil, showed the names of at least ten white men to one Chinaman, although the Chinese population, during the most of this time, outnumbered the whites. Let me here say that I never, during all my years of intercourse with this people as miner or magistrate, saw a single drunken Chinaman. I never saw a Chinese beggar; I never saw a lazy Chinaman. They are perhaps the most industrious people in the world. It is a part of the Chinaman's religion that in the sweat of his face he shall eat his bread.

Can the United States afford to fear these patient and simple people? They will not harm us. They are not strikers, rioters, and burners of cities. But there is something more in this than the selfish question of our own security. The Chinaman who returns home carries something more than our gold to his land; he takes with him and disseminates there all the art, civilization, freedom, or truth which he found here. These are the real missionaries to China. This bill must not become a law. This bold attempt to make it so ought to condemn to everlasting infamy every one of the great names that advocated it. The little men who stand as ciphers to dignify and add to these great figures in Congress are not, perhaps, so much to blame. But it is pitiful to see these great minds prostituted to such selfish aims. They pay a poor compliment to the intelligence of the people of the Pacific coast if they think they are not perfectly understood. No; the Creator of us all opened the Golden Gate to the whole wide world. Let no man attempt to shut it in the face of his fellow-man.

JOAQUIN MILLER.

NEW YORK, February 23, 1879.

One of the ablest of the writers against the Chinese, Mr. James A. Whitney, sums up his opinion thus:

The Chinese intellect, the Chinese character, is strong, vigorous, patient, and far-sighted. As diplomats, the statesmen of China have held their own with those of every nation in the world.

Indeed, a large part of the argument of the Senator from California is based, not on Chinese inferiority, but on his dread of Chinese superiority in most of the occupations of life. Their civilization, he says, will be too strong for ours, if the two come in conflict in a fair field.

Let me read from the statement of Mr. Pixley, counsel for the

municipality of San Francisco, before the Congressional committee in 1876:

What kind of labor do they perform?—

This was one of the questions put by the committee to this gentleman representing the anti-Chinese side. I think Mr. Pixley now is, or has been, attorney-general of the State of California—

I will only say that they perform all kinds of light labor, and that particularly which requires no capital; and they are expert in that which requires dextrous manipulation of the fingers—as the assorting of wool, working in silks, the rolling of cigars, and such matters as that. They are imitative and quick to learn, and they have monopolized many of the branches of our industry. Laundry-work, cigar-making, slippers, sewing-machine labor, they have very nearly monopolized. They are largely employed as domestic servants and as office-boys.

These filthy people!

In assorting and repacking teas, in silk and woolen manufactories, in fruit-picking, in gardening, in harvesting, in building levees for the restoration of tule lands, in railroad building, in placer mining, in basket peddling of vegetables and fruits, in fishing and peddling fish, are among the most noted of their industries, and from these industries that I have named they have nearly driven out the entire white labor.

What is their character as laborers? Many of them are most excellent and good laborers. It would be unwise for us to assume what is not recognized as a truth in relation to this fact. Many of the Chinese are very good laborers indeed. They do not, as a rule, work as rapidly, nor do they perform their work as well as white laborers—and this is especially true of those pursuits requiring skill. They are imitative, industrious, and patient.

They are good farm laborers; they are good railroad builders; they are good levee constructors, and many of them are excellent domestic servants. They fill the mental positions of the country well, and I remember once, in the earlier times, to have heard Senator Casserly in a speech say—it was when John Parrott was building, or shortly after he had built, his grand block at the corner of California and Sixth streets, out of blocks chiseled in China, marked, numbered, and sent here, and put up as the building now stands—that the danger of Chinese immigration was because they were good laborers. I thought it was a heresy at the time, but I have become convinced that Mr. Casserly was wiser than I, and that one of the dangers to our laboring population is because the Chinese do labor so well.

In response to question 9, "What rate of wages do they receive?" the Chinaman begins to work for what wages he can get. A domestic servant will go into your family upon his immediate arrival in San Francisco for \$3 a week.

I can remember when the best Yankee girl that ever lived was glad to get one dollar a week for her wages:

If the mistress of the house will teach him English, or if the benevolent maiden lady of his neighborhood will invite him to her class in Sunday-school until he can speak a little English, he will increase his wages; and as he learns to cook and learns to talk, he learns to demand a higher and better compensation for his labor, until he finally reaches the highest point that his labor will demand from \$3 at first to \$8 a week.

Mr. FARLEY. Will the Senator from Massachusetts allow me to ask what he reads from?

Mr. HOAR. I read from the report of the Congressional committee of which Senator Morton was chairman, from the argument of Mr. Pixley, attorney-general of California, in stating the case which, having the charge of putting in the entire evidence against the Chinese, he proposed to establish.

Mr. FARLEY. Will the honorable Senator do me the favor to read from the same report what Mr. Pixley says further in his testimony before that committee?

Mr. HOAR. No, sir; I think I should prefer to go on in my own way.

Mr. FARLEY. It is a very short paragraph.

Mr. HOAR. I am putting in an admission of the person charged with the presentation of the case which has led to this legislation. I do not think it is quite fair to ask me to read something else.

Mr. FARLEY. I will take occasion, then, to show what Mr. Pixley did say.

Mr. HOAR. Very well, but the Senator will not question the entire accuracy of what is said here. I admit that he is still blind, notwithstanding this admission. Now I wish to read a sentence or two from the report of Senator Morton, the last dying legacy of this great Senator and lover of human liberty, published since his death and left by him unfinished as his last public work. He says:

If the Chinese in California were white people, being in all other respects what they are, I do not believe that the complaints and warfare made against them would have existed to any considerable extent. Their difference in color, dress, manners, and religion have, in my judgment, more to do with this hostility than their alleged vices or any actual injury to the white people of California.

As a rule, they are industrious, temperate, and honest in their dealings. Some thousands of them are employed as household servants in the cities and in the country. In this capacity the testimony generally concurs in giving them a high character. They very readily learn to perform all kinds of household duty, are devoted to their employment, and soon become exceedingly skillful. The testimony proved that they went to all parts of the State to serve in that capacity, when other servants or help of that kind could not be obtained from the cities, and that if they were banished it would be very hard, in fact, as many of the witnesses said, impossible to supply their places. As laborers upon the farms and in the gardens and vineyards nearly all of the witnesses speak of them in the highest terms.

In the construction of railroads and other public works of California the Chinese have been of the greatest service and have performed the largest part of the labor.

That they have injuriously interfered with the white people of California or have done them a serious injury may well be doubted.

That I will speak of a little later. I have here extracts from the committee's report, which I find in a petition before me; I will read a few, but they are all in the Congressional report, and are from men of high character:

Charles Crocker, president of the Southern Pacific Railroad, testified: "That without Chinese labor we would be thrown back in all the branches of industry, farming, mining, reclaiming lands, and every thing else." (Report, page 67.)

George D. Roberts, main officer of the Tide-land Reclamation Company: "I do not think we could get the white men to do the work of reclaiming these lands. It is a class of work that white men do not like. In my opinion the aggregate product of the wealth produced by Chinamen in the State is equal to our mines, including the mines of Nevada and Dakota; probably they produce sixty, eighty, or ninety millions a year in wealth." (Report, pages 437-38.)

Alfred Wheeler, attorney at law, resident of California for twenty-seven years, said: "I think that the immigration of Chinese has been vastly beneficial to the growth of California, and think it vastly beneficial to every whiteman, woman, and child in the State. Take the making of boots and shoes; before we had much labor here, or any manufactures of them, or any other manufactures in the State, we imported mostly from Massachusetts. The money went out of the State to contribute to the manufacturers of Massachusetts, and every man paid a hundred per cent. more for boots than he wore in this State and the blankets he used than he pays to-day." (Report, page 515.)

W. W. Hollister, resident of California since 1852, a large landholder and employer of Chinese: "The Chinaman is good in every thing, I do not care where you put him, and owing to the demoralized condition of American labor he is the best man in California for work." (Report, page 776.)

John H. Hill, resident of California since 1850, a farmer, and employer of Chinese: "I find them (the Chinese) from experience, to be temperate, industrious, honest, and good laborers, creating no disturbance whatever." (Report, page 796.)

Rev. Otis Gibson, Methodist minister, formerly a minister to China for ten years: "The standard of Chinese morals is higher and better than that of any other heathen nation in the world." (Report, page 401.)

Solomon Heydenfeldt, ex-justice of the supreme court, for twenty-seven years resident of California: "I think they (the Chinese) are the best laboring class we have among us." (Report, page 504.) "As far as concerns their industry, and their frugality, and fidelity, and general intelligence, and their cleanliness, I think those who have been in the habit of employing them, and know something about them, place them above the corresponding classes of other people." (Report, page 505.)

Herman Heyneman, importer and manufacturer of woollen goods for fifteen years, whose operators are about one-half Chinese: "I think that so-called white people, if we could have them thoroughly examined, and one thing and another, might be preferable, but I would a good deal sooner have the Chinese than a good many of them." (Report, page 541.)

W. F. Babcock, resident of California since 1852, connected with the commercial house of Parrott & Co.: "Mr. Parrott did all their (the Chinese) banking business here for years, and he told me that he had never lost one dollar of principal or interest from any Chinaman while he was in the business." (Report, page 712.)

F. W. Macondray, merchant, resident of California over twenty-four years: "Q. To what extent in round numbers do you deal with the Chinese in a monetary point annually? Perhaps \$500,000 or \$600,000 a year—we have never lost a dollar by them to my knowledge in twenty-four years." (Report, page 853.)

Here are a great many of the good qualities of Chinese laborers admitted by anti-Chinese testimony.

Maurice C. Blake, (anti-Chinese,) ex-judge of the municipal court, now mayor of San Francisco: "My impression is that they (the Chinese) are very good, as far as mere work is concerned. I think they are very industrious."—(Rep. page 273.)

H. H. Haight, (anti-Chinese,) ex-governor of California, replied to the following questions: Q. "Are the Chinese generally industrious?"—A. Generally industrious. Q. Are they not generally law-abiding?"—A. I think they are."—(Rep. page 290.)

But they will not assimilate with us, says the Senator from California.

Mr. HARRIS. If the Senator from Massachusetts will allow me to inquire, I should be glad to know if it would be agreeable to him to yield to me to move that the Senate proceed to the consideration of executive business, so that he may conclude to-morrow.

Mr. HOAR. I think I shall want to occupy about twenty minutes more, and I suppose it would be more agreeable to the Senate to have me conclude to-day.

Mr. HARRIS. Would the Senator prefer to conclude at the present time, or will he allow me to move that the Senate proceed to the consideration of executive business?

Mr. HOAR. It would be more agreeable to me to proceed this evening, unless disagreeable to other gentlemen. If any gentleman prefers an adjournment, I of course would not ask him to stay here to listen to me. I think I can finish by a quarter before five o'clock.

Mr. HARRIS. Of course I desire to consult the wishes of the Senator.

Mr. HOAR. I wish to make my statement as compact as I can.

But the Chinese, it is said, will not assimilate with us. It is said the two races have been side by side for thirty years and no step taken toward assimilation. It is admitted that they have learned our industries rapidly and intelligently. That they do not incline to become Christians or republicans may perhaps be accounted for by the treatment they have received. They are excluded by statute from the public schools. They have no honest trial by jury. Judge Blake, of the San Francisco criminal court, testifies: "It is true that as a rule when a Chinaman's case goes to a jury there is no help about it, the jury must convict him." They are said to be "without sense of the obligation to tell the truth." They have failed to profit by the example of their white instructors and models, testified to by Judge Blake, of the San Francisco criminal court, who says:

It is true that as a rule when a Chinaman's case goes to a jury there is no help about it, the jury must convict him." And further, "They are the poorest witnesses I have ever seen."

What he means by a poor witness comes next:

"Is not perjury committed daily by whites?"—"Undoubtedly, white or black! White witnesses will do that to almost any extent." If you will turn to page 404 of the report you will find it quoted as a statement of one of California's eminent judges, Stanley, that "perjury in our courts by white witnesses is as common as smoking in our streets."

That is not my statement; yet the Chinese do not assimilate with these excellent Christians!

But, Mr. President, what special inducements have the Chinese to become republicans in a State which has established a constitution which in article 2, section 1, says:

Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Quere-taro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law: *Provided*, No native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State.

And in article 19, section 2.

No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

And in section 3, of the same article:

No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

Then in section 4, same article:

The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits; and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this constitution.

An eminent and learned judge of the Supreme Court of the United States gave a judgment on an ordinance of the city of San Francisco directing that the head of every person convicted of crime should be shaved, should be "cut or clipped to a uniform length of one inch from the scalp thereof"—an ordinance directed against the Chinese only, intended to impose upon them cruel and degrading punishments. Judge Field says, after pointing out the iniquity of this ordinance:

It is not creditable to the humanity and civilization of our people, much less to their Christianity, that an ordinance of this character was possible.

I take from a pamphlet by Samuel E. W. Baker, secretary to the Bishop of Wilmington, Delaware, late professor in the University of Virginia, this statement, which is based on proof before the committee:

The "cubic-air law, under a penalty of \$50 to \$500 or imprisonment or both, forbids any one sleeping in a room where there is less than 500 cubic feet of air for each occupant, carefully exempting from the operation thereof all prisons, hospitals, &c., so that the spectacle is often presented of men (Chinese) dragged by the hundred from their apartments, (which may or may not have had the requisite amount of air,) taken perspiring along the street and thrown into cells under the city hall,

where they did not average confessedly the one-twentieth amount of air that the ordinance called for. One policeman tells rather boastfully of having himself "nalled" over 1,100 Chinese."

There is a mass of evidence on this point. I might present many extracts from the report of the Congressional committee of 1876, but I will not, in order to save the time of the Senate. I wish, however, to read one statement of Mr. Pixley, who represented the anti-Chinese side. After summing up the qualities of the men such as he has described, he says:

In other words, I believe . . . that the Chinese have no souls to save, and if they have they are not worth the saving.

But it is urged, and this in my judgment is the greatest argument for the bill, that the introduction of the labor of the Chinese reduces the wages of the American laborer. "We are ruined by Chinese cheap labor" is a cry not limited to the class to whose representative the brilliant humorist of California first ascribed it. I am not in favor of lowering anywhere the wages of any American labor, skilled or unskilled. On the contrary, I believe the maintenance and the increase of the purchasing power of the wages of the American workingman should be the one principal object of our legislation. The share in the product of agriculture or manufacture which goes to labor should, and I believe will, steadily increase. For that, and for that only, exists our protective system. The acquisition of wealth, national or individual, is to be desired only for that. The statement of the accomplished Senator from California on this point meets my heartiest concurrence. I have no sympathy with any men, if such there be, who favor high protection and cheap labor.

But I believe that the Chinese, to whom the terms of the California Senator attribute skill enough to displace the American in every field requiring intellectual vigor, will learn very soon to insist on his full share of the product of his work. But whether that be true or not, the wealth he creates will make better and not worse the condition of every higher class of labor. There may be trouble or failure in adjusting new relations. But sooner or later every new class of industrious and productive laborers elevates the class it displaces. The dread of an injury to our labor from the Chinese rests on the same fallacy that opposed the introduction of labor-saving machinery, and which opposed the coming of the Irishman and the German and the Swede. Within my memory in New England all the lower places in factories, all places of domestic service, were filled by the sons and daughters of American farmers. The Irishmen came over to take their places; but the American farmer's son and daughter did not suffer; they were only elevated to a higher plane. In the increased wealth of the community their share is much greater. The Irishman rose from the hog or the hovel of his native land to the comfort of a New England home and placed his children in a New England school. The Yankee rises from the loom and the spinning-jenny to be the teacher, the skilled laborer in the machine shop, the inventor, the merchant, or the opulent landholder and farmer of the West.

I wish also to read in this connection what Mr. Morton says as his conclusion:

That they have injuriously interfered with the white people of California, or have done them a serious injury, may well be doubted. The great fact is that there is to-day and always has been a scarcity of labor on the Pacific coast. There is work for all who are there, both white and Mongolian, and the State would undoubtedly develop much more rapidly were there more and cheaper labor. There

was much intelligent testimony to the fact that the Chinese by their labor opened up large avenues and demand for white labor. The Chinese performed the lowest kind, while the whites monopolized that of a superior character. This was well stated by Mr. Crocker, a very intelligent witness, largely interested in the Central Pacific and Southern California Railroads. In answer to a question as to what was the effect of Chinese upon white labor, and whether it was to deprive white men of employment, or had that effect at any time, he said * "I think that they afford white men labor. I think that their presence here affords to white men a more elevated class of labor. As I said before, if you should drive these 75,000 Chinamen off you would take 75,000 white men from an elevated class of work and put them down to doing this low class of labor that the Chinamen are now doing, and instead of elevating you would degrade the white labor to that extent."

Then again:

For any man to ride through California, from one end of this State to the other, and see the miles upon miles of uncultivated land, and in the mountains millions of acres of timber, and the foothills waiting for some one to go and cultivate them, and then talk about there being too much labor here in the country, is simply nonsense, in my estimation. There is labor for all, and the fact that the Chinamen are here gives an opportunity to white men to go in and cultivate this land where they could not cultivate it otherwise. Other evidence showed that by Chinese labor over 1,000,000 acres of tule lands have been reclaimed. This was work of the hardest and most unhealthy character, requiring them to work for a large part of the time in mud and water; but the lands, when reclaimed, were occupied and cultivated by white men, furnishing a great many homes, and were in fact the richest and most productive in California. They also chiefly performed the work in constructing irrigating canals for farming purposes, and dams and canals for supplying the mines with water, by which a very large extent of country was made exceedingly productive, furnishing homes and employment for thousands of white men, and by which, also, the mines were made profitable, and created a large demand for white labor. The evidence further showed that the railroads, chiefly constructed by these people, were the pioneers in settlement and agriculture; that the settlements followed the railroads; that wherever a railroad was constructed the lands were taken up and converted into farms and homesteads. While there was complaint that the Chinese, by their cheap labor, took it from white people, inquiry failed to show that there was any considerable number of white people in California out of employment, except those who were willfully idle; that there was work, and remunerative work, for all who chose to perform it.

California has a population of 700,000. She can support seventeen million. Will it be claimed that these seventeen million will not be better off by finding there the wealth and the improvements which Chinese labor will prepare for their possession; by finding the railroad built, the swamp drained, the highway smoothed, the harbor dredged?

Will it be maintained that if California could have for nothing what she gets cheaply from Chinese labor, she would not be better off? If the swamp lands had been made prairie lands by nature; if the ravines had been filled and mountains tunnelled by nature, so that the road-bed was ready for the rail; if every man, instead of buying shoes from Massachusetts, had a pair left gratis at his door, that the State would not be better off. Is barren land or productive land best for a State? Then surely the laborer who does these things at least cost does most for the community, and gives the people who occupy the State opportunity for better profit in other fields of industry.

But the statements as to the cheapness of living and cheapness of wages of the Chinese are greatly exaggerated.

I have here a statement giving the prices of wages in California in 1878:

CARPENTERS' WAGES.

The price paid to carpenters in California ranges from \$3 to \$3.50 per day. This is the general rule throughout the city. But there are many cases where unemployed men will work for less, ranging from \$2 up to \$3 per day. In Providence, Rhode Island, during the past year the wages of carpenters have averaged from \$1.50 to \$1.75 per day.

BRICKLAYERS.

In this city bricklayers get from \$4 to \$5 per day, only the ordinary workmen receiving the former price. The ruling price is probably not far from \$5. The exact price paid to this labor in the East is not known, but it is undoubtedly much lower than the rate paid here.

PAINTERS.

Painters receive here \$3 per day, plasterers \$3.50, mortar-mixers and hod-carriers \$3, but there are undoubtedly many men who would willingly work for less, although probably not for a less sum than is paid East. The wages of this class of labor have been greatly reduced in the Eastern States during the past two or three years.

STONE-CUTTING.

The regular price paid stone-cutters in this city is \$4 per day, but the price of the same kind of labor in the East is lower. These workmen are working for what they can get. In this city at present there is little work, and there are many stone-cutters out of employment. But when the work in the cemeteries again starts up nearly all will find employment.

MACHINISTS AND BRASS-FOUNDERS.

The prices paid machinists in this city range from \$3 to \$4 per day. The great majority of this class of workmen receive \$3.50 per day. Many receive the highest price, \$4. The wages of this class of labor is more than 50 per cent. higher here than in the East. In the Eastern States machinists get from \$1.75 to \$2.50 per day. Brass-founders East receive \$3 per day; here \$4.50.

COMMON LABORERS.

Common labor is much higher here than in the East. The ruling price here is \$2 per day, and it was proposed by Supervisor Foley to fix the price paid by the city at that figure. It is true that there are many laborers at this time working temporarily for \$1 per day, but \$2 per day has been the almost universal price, and is now paid by a great many large employers of labor. In the East, however, the price of this kind of labor is far less, averaging probably not much over \$1. In many instances men are working for ninety cents, and even less. On some of the great railroads only ninety cents is paid. In the great manufactories of New England the average price of ordinary labor is not many cents over \$1 per day. Working, as they do in many instances, by the hour, the rate paid will average about eleven cents.

WOOLEN-MILL HANDS.

In our woolen mills common labor is paid \$2 per day. Skilled labor averages from \$2.50 to \$3.50 per day, depending upon the kind of work preferred. In the East, mule-spinners receive as high pay as any of the operatives, and their wages do not average much over \$1.50 per day, but here the remuneration is greater. The weavers—girls and women—range from ninety cents to \$1.50 per day, the average being about \$1. On ordinary work in eastern cotton mills women will not average much over \$22 per month. Boys and girls are paid from three to six cents per hour, laborers and watchmen ten to eleven cents.

THE CIGAR BUSINESS.

In the cigar manufacturing business the wages are higher here than East. Chinamen receive from \$6 to \$6.50 per 1,000, while for the same work East \$4 are paid. Cigar manufacturing does not require many adult workmen, many boys being employed. Going into a cigar manufactory here one will see many diminutive Chinamen, apparently from eleven to fifteen years old. The wages of such a manufactory will average about \$6.50 per week.

BOOT AND SHOE MAKERS.

In the boot and shoe manufacturing business California is paying for white labor from 50 to 60 per cent. more than is being paid East. For some kinds of work our manufacturers are paying 65 cents where 30 cents are paid East, and \$1 against 62½ cents. Wages here average from \$12 to \$20 per week, depending upon the kind of work. In the East complaints are made that workmen will average from \$5 to \$10 only. In Toronto, workmen say that they receive from \$4 to \$8 per week, and they have struck for higher wages. Leather will average less in price here than East, yet much of the material used by eastern boot and shoe manufacturers is shipped from this coast, manufactured, and sent back to us to be sold at as great, if not greater, profit than can be made on the same articles manufactured here.

DOMESTICS.

In the matter of servants, wages are from \$25 to \$30 per month, and even then the girls are not willing to go to places where there are more than two or three children, and are very particular as to the work to be done. They are not willing to go into the country, and seem to be determined to accept no place except that in which the work is light. A few days ago a gentleman in Sacramento sent an order for a cook, at \$20 per month. The manager of an employment agency tried to get one of over forty girls to take the place, but none would go. The Ladies' Protection and Relief Society could not get a Protestant cook for \$30 from among the same lot of girls waiting for a situation. No one would go to San Luis Obispo to do general house-work at \$25. No one would go to Emerton as cook at \$20, and several refused to work at \$25 in a family not far from the new City Hall. A girl who had been out at house-work for only four months, and could not cook, would not accept anything less than \$30.

There are a great many families who would willingly give \$15 per month, a high rate of wages East, but it is almost impossible to find a girl who will work for that sum. Many families willing to give \$20, not being able to find girls willing to accept that amount, prefer to do their own work, sending their washing to laundries. If domestics were willing to take from \$15 to \$20 per month, the demand would far outrun the supply. The wages paid Chinamen as house-servants are about the same as those paid to white help in the East, where the average wages is about \$3 per week.

Mr. MILLER, of California. What is the Senator reading from?

Mr. HOAR. I am reading from the San Francisco Bulletin of the 9th of February, 1878, giving the prices of different labor at that time. It is a synopsis of the report.

I wish to read to the Senate one most remarkable example from a California paper of the 23d of February, 1882, in regard to the claim that the Chinese live on rice, cheap and filthy food, and thereupon reduce the standard of the necessities of life for American labor. It seems that a Chinaman left a will, by which he required his executor to run a restaurant for a year of which he was the proprietor, and the account and execution of that will has just been rendered in the court.

[Daily Alta Californian, February 23, 1882.]

A CHINESE EXECUTORSHIP.

Yesterday Maurice C. Blake, who was appointed referee last November to examine the annual account of Ohong Que, executor of the will of Choy Poi, submitted his report, which was approved. The order approving the accounts shows that the amount of money in the hands of the executor November 1, 1881, was \$500. The amount received by him as such executor in twelve months was \$31,953.60, making the total receipts \$32,453.60. The full amount expended was \$31,105.70, leaving a balance in his hands of \$1,347.90. The estate consists of a Chinese restaurant conducted on Asiatic principles, and is insured for \$10,000. The classification of expenditures shows, among other items, for the twelve months from November 1, 1880, to October 31, 1881: rent, \$4,832, or \$236 a month; gas, \$1,241.50; water, \$192.45; wood, \$1,436; wine, \$3,571.85.

Who says they are not civilized?

Coffee, \$58.85; tea, \$498.20; sugar, \$1,125.50; rock-sugar, 1,193.60; rice, \$1,875; flour, \$516.80; meat, \$3,759.15; poultry, \$5,848.15; sundries, \$1,785.40; wages, \$3,828. The wages amount to \$319 a month throughout the year, showing that the fifteen employes receive each about \$21 a month. A letter from F. A. Bee, Chinese consul, approving the management of the estate, accompanied the report of the referee.

Mr. President, I will not detain the Senate by reading the abundant testimony, of which this is but the sample, of the possession by the people of this race of the possibility of a development of every quality of intellect, art, character, which fits them for citizenship, for republicanism, for Christianity.

Humanity, capable of infinite depths of degradation, is capable also of infinite heights of excellence. The Chinese, like all other races, has given us its examples of both. To rescue humanity from

this degradation is, we are taught to believe, the great object of God's moral government on earth. It is not by injustice, exclusion, caste, but by reverence for the individual soul that we can aid in this consummation. It is not by Chinese policies that China is to be civilized. I believe that the immortal truths of the Declaration of Independence came from the same source with the Golden Rule and the Sermon on the Mount. We can trust Him who promulgated these laws to keep the country safe that obeys them. The laws of the universe have their own sanction. They will not fail. The power that causes the compass to point to the north, that dismisses the star on its pathway through the skies promising that in a thousand years it shall return again true to its hour and keeps His word, will vindicate His own moral law. As surely as the path on which our fathers entered a hundred years ago led to safety, to strength, to glory, so surely will the path on which we now propose to enter bring us to shame, to weakness, and to peril.

