

## VIEWS

OF THE LATE

# OLIVER P. MORTON

ON THE

*Character, extent, and effect of Chinese immigration to the United States.*

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HON. OLIVER P. MORTON'S VIEWS ON THE CHARACTER, EXTENT, AND EFFECT OF CHINESE IMMIGRATION TO THIS COUNTRY.

[These views were written in sections. The missing sections are indicated below.]

[Section A missing.]

B.

A discussion of the effect of Chinese immigration upon the country involves many considerations, and any proposition looking to its prohibition or limitation would require us to consider some of the fundamental principles of the theory and practice of our government. It is our proudest boast that American institutions are not arbitrary in their character; are not the simple creations of force and circumstance, but based upon great and eternal doctrines of the equality and natural rights of men. The foundation-stone in our political edifice is the declaration that all men are equal; that they are endowed by their Creator with inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to obtain these, governments are instituted among men, deriving their just powers from the consent of the governed. We profess to believe that God has given to all men the same rights, without regard to race or color. While this doctrine is beautiful and simple in its enunciation, it has taken one hundred years to establish it by legal formula in our system of government; while there are still large numbers who practically deny the truth of it by preventing it from being carried into execution, and who do not in their minds admit that the colored race have the same natural rights with white men. And it is unfortunately true that there are many who yet believe that the colored man should be in bondage; that slavery is his normal condition and has the sanction of the Almighty. We hope that increasing intelligence and the changed condition of our country will, at a time not far distant, obliterate such belief, and that all people, without regard to party or section, will believe in the equal rights of men, and recognize that doctrine in the administration of State and national governments.

A cardinal principle in our government, proclaimed in the Declaration of Independence, in the Articles of Confederation, and recognized by our Constitution, is, that our country is open to immigrants from all parts of the world; that it was to be the asylum of the oppressed and unfortunate. It is true that when the government was formed, and for nearly three-quarters of a century, no immigration was contemplated except from nations composed of white people; but the principles upon which we professed to act, and the invitation we extended to the world, cannot and ought not to be limited or controlled by race or color, nor by the character of the civilization of the countries from which immigrants may come. Among the nations of Europe civilization widely varies, conflicting in many important particulars, and differing greatly in degree. Nor should the operation of these principles be limited on account of the religious faith of nations. Absolute religious toleration was regarded by our fathers as of vital importance. Not only were the different sects of Christians to be tolerated, but the deist, the atheist, the Mohammedan, and the Buddhist were to be free to express and enjoy their opinions.

One of the greatest objections which has long been urged to the Chinese and Japanese was their exclusiveness—their refusal to permit the people of other nations to settle in their midst, or even to travel through their country and acquire a knowledge of their institutions and condition. This objection has been removed. The doors of China and Japan have been thrown open, and Americans have the right, by the laws of those countries, to live there, to do business, and have complete protection; and, beyond that, have rights which we do not give to Chinese or Japanese in this country. If Americans commit offenses against the laws of China or Japan, they are not to be tried and punished by the courts of those countries, but by American consular courts, appointed by our own government. At a time when those countries have adopted a liberal policy, and in that respect have yielded to Western civilization and have especially recognized the force of the example and policy of the United States, it is proposed that we shall take a step backward by the adoption of their cast-off policy of exclusion. The argument set up here in favor of this is precisely that which was so long used to excuse or justify the same policy in China and Japan, viz, that the admission of foreigners tended to interfere with their trade and the labor of their people, and to corrupt their morals and degrade their religion. The strength and endurance of our government do not depend upon our material wealth and prosperity; on the contrary, the great increase of wealth and luxury threatens the safety and continuance of our institutions by impairing the virtue of the people, their simplicity and purity of manners, as they did in the ancient republics of Greece and Rome. Nor will the safety and perpetuity of our institutions be insured merely by the general diffusion of educations and intelligence. It may be stated, as a proposition established by experience and reason, that the sheet-anchor of our safety consists in faithful adherence to the cardinal principles upon which our government was established, and the maintenance of that broad, liberal, and humanitarian policy promulgated by our fathers. If our government shall come to be regarded as purely arbitrary—as the creation of force and circumstance, its final demoralization and destruction are foredoomed. Our greatest, our only absolute security consists in the devotion of the masses of the people to the doctrines upon which the government was founded, and the profound conviction in the minds of the people that the rights of men are not

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conferred by constitutions or written enactments, which may be altered or abolished, but are God-given to every human being born into the world, and cannot be violated by constitutions, enactments, or governments, without trampling upon natural and inalienable rights. For, if we come to believe that the rights of men are the mere offspring of constitutions and laws, bad rulers and wicked factions may deem it expedient to take away the rights of a part of the people, and gradually to sap, and finally to overturn our institutions. The institution of slavery had its long maintenance in the doctrine that colored men had no natural rights, and that slavery was a mere question of political economy or expedience. If it is believed that men have no natural rights, arguments and inducements will be found from time to time to deprive communities or classes of their equality and participation in government.

Closely allied to these great doctrines, and, in fact, a necessary outgrowth of them, is that policy which throws open the doors of our nation to the people of other countries, who come to escape oppression or the hard conditions by which they are surrounded, and to make our country their home. In permitting the people of other countries to come here and live and become citizens, we have the right to prescribe such conditions and create such safeguards as may protect us from pauperism, crime, and disease; to fix the period of probation and the reasonable terms upon which they may become citizens and entitled to participate in government. To regulate immigration and prescribe the terms upon which we will admit men of foreign birth to the exercise of civil and political rights is one thing, and their prohibition or exclusion, in whole or in part, is quite another. To make such regulations as will protect the interests, morals, and safety of our people against foreigners is both our right and duty; and in the exercise of a sound discretion, I do not say that we may not discriminate among the nations, and exact terms and conditions from the people of one country that we do not deem necessary as to others. We have always made this discrimination with regard to the right to become citizens, by permitting none but white persons to be naturalized. As to all other rights of foreigners coming to our shores to work, to trade, or to live and acquire property, we have never made any distinction. To do that now would be a great innovation upon the policy and traditions of the government, and would be a long step in the denial of the brotherhood of man and the broad, humanitarian policy inaugurated by our fathers.

The limitation of the right to become naturalized to white persons was placed in the law when slavery was a controlling influence in our government, was maintained by the power of that institution, and is now retained by the lingering prejudices growing out of it. After having abolished slavery and by amendments to our Constitution and the enactment of various statutes establishing the equal civil and political rights of all men, without regard to race or color, and, at a time when we are endeavoring to overcome the prejudices of education and of race and to secure to colored men the equal enjoyment of their rights, it would be inconsistent and unsound policy to renew and reassert the prejudices against race and another form of civilization by excluding the copper-colored people of Asia from our shores. It would be again to recognize the distinctions of race and to establish a new governmental policy upon the basis of color and a different form of civilization and religion. In California the antipathy to the Mongolian race is equal to that which was formerly entertained in the older States against the negro; and although the reasons given for this antipathy are not the same, and the circumstances of its exhibition are different, still, it belongs to the fam-

ily of antipathies springing from race and religion. As Americans, standing upon the great doctrine to which I have referred, and seeking to educate the masses into their belief, and charged with the administration of the laws by which equal rights and protection shall be extended to all races and conditions, we cannot now safely take a new departure, which, in another form, shall resurrect and re-establish those odious distinctions of race which brought upon us the late civil war, and from which we fondly hoped that God in his providence had delivered us forever. 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. The inquiry which the committee were instructed to make does not involve the political rights or privileges of the Chinese. As the law stands, they cannot be naturalized and become citizens; and I do not know that any movement or proposition has been made in any quarter recently to change the law. But the question is, whether they shall be permitted to come to our country to work, to engage in trade, to acquire property, or to follow any pursuit.

But before entering upon the discussion of any other principles, I may be permitted to observe that, in my judgment, the Chinese cannot be protected in the Pacific States while remaining in their alien condition. Without representation in the legislature or Congress, without a voice in the selection of officers, and surrounded by fierce and, in many respects, unscrupulous enemies, the law will be found insufficient to screen them from persecution. Complete protection can be given them only by allowing them to become citizens and acquire the right of suffrage, when their votes would become important in elections, and their persecutions, in great part, converted into kindly solicitation.

In considering any proposition to prohibit Chinese immigration, or to limit it, we must bear in mind the fact, fully established by the evidence, that the Chinese landing upon our Pacific coast come entirely from the British part of Hong Kong. Though subjects of the Chinese Empire, they embark at a British port, and in that respect are invested with the rights of British subjects, and in any legislation or treaty by which we would propose to limit or to forbid the landing upon our shores of Chinamen, or any other class of people embarking at a British port, we must deal with the British Government, and not that of China. With the laws of England, or the marine regulations by which the people of China are permitted to enter a British province and to embark from a British port, we have nothing whatever to do; but it is quite clear that any legislation of ours which would interfere with the landing upon our shores of any class of people embarking at a British port, whether they be Chinese or Japanese subjects, would be an interference with the trade and commerce of that port. It may be an important commercial matter to Great Britain that the port of Hong Kong shall be open to the reception of people from China or any other part of the world who propose to emigrate to the United States or any other country, and if we cut off such emigration, in whole or in part, it is not an interference with the Government of China, for which we should answer to that government, but with the Government of England. Our refusal to permit a Chinaman to land, who had embarked at a British port upon a British vessel, would certainly be a question with the English Government, and not with that of China; and the fact that the person thus forbidden to land

was a Chinaman, who had never sworn allegiance to the English Government, would not in the least vary the question.

## C.

In dealing with this question, we should consider and act upon general principles, and should hesitate before adopting a new policy which would be at variance with the genius of our institutions, and enable the world to say that the principles upon which we professed to establish our government in the beginning, and upon which we took our place among the nations, have yielded to considerations of doubtful expediency, in conflict with our general professions and character. As before stated, our strength as a republic consists in our faithful adherence to the doctrines upon which it was established, and to the education of our people in their truth, without regard to any temporary interest or condition. The most of the Chinese were laboring men, who came from the rural districts in China, and were accustomed to agricultural pursuits. A few of them were scholars in their own country, some of them were merchants, and a very few mechanics. 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. Colonel Hollister, one of the largest farmers in California, and a man of great intelligence, testified that without the Chinese the wheat and other crops in California could not be harvested and taken to market; that white labor could not be obtained for prices that would enable the farmer to carry on his business; that any considerable increase in the price of labor would render the production of wheat and almost every other agricultural product unprofitable, and they would have to be abandoned.

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. Several distinguished gentlemen connected with railroads testified that without Chinese labor they could not have been constructed, and that if the companies had been compelled to rely upon white labor, it would have been so difficult to procure and so costly that the works must have been abandoned, and, in fact, would not have been undertaken. As laborers upon the public works they were entirely reliable; worked more hours than white men; were not given to strikes; and never undertook, by combinations, to control the price of labor.

The chief point against the Chinese, and that which was put forth as the ground of movements against them, was, that they worked for less wages than white people, and thus took their labor, or compelled them to work for wages upon which they could not subsist their families and educate their children. That Chinamen work for lower wages and perform the same amount of labor for less money than white people is unquestionably true. They have largely performed the hardest and lowest kind of labor in the State, such as the construction of railroads, reclaiming the tule lands, and every form of drudgery and unskilled

labor; but 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 perform 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 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 they 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. 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 foot-hills 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.

Again he said:

I think that the presence of the Chinese, as laborers among us, goes very far toward the material interest of the country; that without their labor we would be thrown back in all branches of industry, farming, mining, reclaiming lands, and everything else. I believe that the effect of Chinese labor upon white labor has an elevating instead of a degrading tendency. I think that every white laborer who is intelligent and able to work, who is more than a digger in a ditch, or a man with a pick and a shovel, who has the capacity of being something else, can get to be something else by the presence of Chinese labor easier than he could without it. As I said before, when we were working 800 white men, and that was the extent we could get, we began to put on Chinamen. Instead of our white force decreasing it increased, and when we had eight, nine, and ten thousand Chinamen on the work, we had from 2,500 to 3,000 white men. Instead of these white men being engaged in shoveling dirt or with a pick and shovel, they were teamsters, mechanics, foremen, and men in an elevated grade of labor, receiving wages far above what they would have done if we had had the same number throwing up the dirt and digging in the rock. I know of a great many instances where men have come on to the road and taken a foremanship over Chinamen, and have acquired a little start, which they afterward used, and they are now independent citizens, owners of farms, owners of corner groceries and stores in the country towns.

Other evidence showed that by Chinese labor over one million 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 farther 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; that among the most bitter enemies of the Chinese in the city of San Francisco were the hoodlums, who were notorious idlers and ruffians, and yet made large outcry against Chinese cheap labor. That there have been many instances where Chinamen were employed in preference to white people, because of their cheaper labor, is undoubtedly true, but not to an extent that could furnish just cause of complaint, requiring legislation or political action for its redress. The field of labor in California is extensive and varied in its character, and people who fail of employment in one direction can, as a general thing, obtain it in another. No system of labor is healthy or profitable which is not free—in which men are not at liberty to work for such prices as they choose to accept. The field of labor must be open to competition, as is every other branch of business. There is competition among merchants as to who shall sell the cheapest; competition among mechanics and manufacturers; and, as labor is honorable, so it must be free, and open to the same competition with every other pursuit in life.

The labor performed by the Chinese has tended very greatly to the development and prosperity of California. The testimony of many of the witnesses went to show that but for Chinese labor the State would not have half the population, property, and production she has to-day. The testimony was quite conclusive upon the point that the first successful introduction of manufactures into California, in almost every respect, was owing to the employment of Chinese labor; that as manufactures progressed and became firmly established, the employment of Chinese gradually diminished, and white labor in them largely increased; and that that change is still going on. But these manufactures, in their infancy, could not successfully compete with goods from the Eastern States and Europe, except by the employment of the cheapest kind of labor. Mr. B. S. Brooks, a distinguished lawyer in San Francisco, who has lived in the State since 1849, testified as follows in regard to the effect of Chinese labor in that State. He said:

I have no doubt that the importation, or rather the immigration of Chinese to this State has increased its wealth at least one-half; I think a great deal more. In the first place, the works which they have constructed without their aid would have immediately increased the taxable wealth of the State at least one-half. In addition to that, I am satisfied that they have increased the white population of the State in almost the same proportion, if not quite. I think, without their aid at the present time, the population of the State could not be maintained at more than one-half its present amount, if to that extent. I am satisfied from the inquiries that I have made from all parts (and it is impossible for me to present all these witnesses before you) that the product of the State—its chief export, wheat—cannot be produced at the price at which it can be exported, if the cost of production is increased at all. There is a considerable portion of the State, including land that has been cultivated, which will not bear cultivation at the present time—that is to say, the crop which it will produce will not pay at the present price of wheat here for export, and it will not pay the cost of its production. The yield of wheat from these lands, as every one probably knows without my testifying to it, steadily decreases.

[Section D is missing.]

#### E.

In our treaty with China, concluded in 1868, commonly known as the "Burlingame treaty," I find the following articles:

#### ARTICLE. V.

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 one country to the other, for purposes of curiosity, of trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subject to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China, or to any other foreign country, without their free and voluntary consent respectively.

## ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

## ARTICLE VII.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and reciprocally Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

In the foregoing articles we find a strong recognition of the inherent and inalienable right of man to change his home and his allegiance, and that Chinese subjects, visiting or residing in the United States, shall possess the same privileges, immunities, and exemptions as may be here enjoyed by the citizens and subjects of the most favored nation. When this treaty was concluded with China, it was regarded by the whole nation as a grand triumph of American diplomacy and principles, and Mr. Burlingame, on his return to San Francisco, received an extraordinary ovation, as a benefactor of his country, by having secured to Americans the protection of the Chinese Government, and the right to live there and trade (in return for which he had guaranteed similar rights for the Chinese in the United States); and for having secured from China a recognition of what many called the "great American doctrine" of the inherent and inalienable right of man to change his home and his allegiance. For the recognition of this doctrine by the governments of Europe we had been struggling, by negotiation, ever since we had a national existence, and had succeeded with them, one by one. And within the last eight years we have secured the recognition of the doctrine by Germany and other states of Europe, that had long held out against us.

## F.

In the early days of California the price of labor was exorbitant, and rendered it impossible to employ men for any other purpose than mining or in raising provisions for the support of miners, at a time and at places where transportation was most difficult, and they could not be brought from other States or countries, except at an enormous cost. These high prices made it impossible to engage in manufactures or any pursuit that came into competition with the productions of other countries, and it was only when prices had become greatly reduced, chiefly by the presence of the Chinese, that California was at all able to

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send her agricultural productions into the markets of the world. And it is undoubtedly true, notwithstanding the outcry against Chinese cheap labor, that the average rate of wages in California is higher than in any other part of the United States, and now stands largely in the way of the development of the State.

It is said that the presence of the Chinese in California prevents the emigration thither of white people, and, therefore, stands in the way of the growth of the State. If such is the fact (which I do not admit) it springs from the persecution visited upon the Chinamen, and the exaggerated declarations which have been made in excuse for them, that the Chinese interfere with white labor and leave white people out of work, or reduce their wages by competition below the living point. If white people are deterred from going to California, it is not a legitimate result of the presence of the Chinese, but by the gross misrepresentations which have been made.

Looking at the question broadly, and at the effect which Chinese labor has exerted in California, running through a period of twenty-five years, I am strongly of the opinion, that, but for the presence of the Chinese, California would not now have more than one-half or two-thirds of her present white population; that Chinese labor has opened up many avenues and new industries for white labor, made many kinds of business possible, and laid the foundations of manufacturing interests that bid fair to rise to enormous proportions; that the presence of the Chinese, holding out the prospect for labor at reasonable rates, induced the transfer of large amounts of capital and immigration to California, and of large numbers of business and enterprising men, thus making California the most inviting field for immigrants from every class of society, including laboring men; and, lastly, that the laboring men of California have ample employment and are better paid than in almost any other part of the country.

But it is said that although Chinese labor was at one time of great value to the State, and contributed largely to its settlement and development, that period is past, and the time is come when the Chinaman can be dispensed with, and that his further presence in California is an injury. In this connection I may speak of the wonderful production of wheat in the State, the superior quality of which has made it a favorite article in the markets of Europe. The system of farming chiefly employed is, by the concurrent testimony of the witnesses, rapidly exhausting the land, and threatens to bring about the same condition of the soil which was produced by the continuous cultivation of tobacco in Virginia. Much land that was fertile and profitable for wheat a few years ago is abandoned as worthless. On this subject Colonel Hollister testified as follows, on page 768 of the printed record of testimony:

I find that it is almost impossible to carry on my farming with the cheapest labor I can get. With the minimum paid for farming work, say \$25 a month and board, I find that it is impossible to live. I pay out five dollars for every four I get, and have done it for ten years, so far as farming is concerned; and yet I claim to be a good farmer. It is not my fault; it is not the fault of the soil; it is not the fault of the climate; but it is the fault of the price of labor. My own conviction is, from what I know and have seen, and from my own experiments and what I have seen of my neighbors, that there is not a farm in the State scientifically handled, handled well, with a view to the perpetuity of the soil, with a view to its permanency, without exhaustion, restoring as we take away, that will survive at \$25 a month for labor. A farmer cannot survive on the payment of a minimum of \$25 a month and board. The farm will not pay the labor. Any one can see that if you pay a man \$25 a month it is \$300 a year; and board and incidental losses of time, and so on, will go to make up the whole amount at about \$500 a year. Every 160 acres has to turn out \$500 a year in gold to pay the help before the farmer gets one dollar. No farmer in the State can farm at that rate.

Mr. Hollister also, on page 769, says:

It is very apparent that we are simply leaving a desert behind us. That is the history of California farming. We are taking every pound of bread out of the soil and sending it to Europe. There are only so many pounds of bread in an acre of land, and when you take it out there is no more; you have got to restore the elements. That requires labor and an expenditure of money. To-day it is a simple drain all the time. It is a draught upon the bank to pay this exorbitant labor. The farmer will not stand it, and no man in the world can stand it. I have seen myself twenty crops of wheat taken off, and that is a fact without a parallel anywhere else on the face of the earth, I think. Yet that land is all going. I have seen here, almost in sight of this town, eighty bushels of wheat produced to the acre. I have seen the same land, years afterward, when you could run a dog through it without striking a stalk. That is poverty; that is failure; and when your soil is bankrupt your farming is bankrupt; and when your farming is bankrupt commerce is gone.

Mr. Brooks says, on page 902:

There is a considerable portion of the State, including land that has been cultivated, which will not bear cultivation at the present time; that is to say, the crop which it will produce will not pay at the present price of wheat here for export, and it will not pay the cost of its production. The yield of wheat from these lands, as every one probably knows without my testifying to it, steadily decreases. What Colonel Hollister said agrees with my own experience in that respect. I have been in the habit of traveling from this city to the different county-seats in different parts of the State, and I have observed a gradual decline of the product of the land. I think a great portion of the land that is within reach of the market by water communication, by natural communication, ceases to be productive. I have had here for two days, waiting to testify, an Irishman, a small farmer who lives near Livermore, within easy distance of the railroad. He cultivates his own farm with his own family. He has his accounts for the year with him. He is a very prudent, saving man, and his wife is as hard-working as he is, and his children assist them. He gave me the figures. I forget what the figures are now, but his expenses were considerably above his income, and he told me he should have to discontinue the cultivation of his farm. He has a mortgage on it and he has no hopes whatever of paying the mortgage, and he says he must give it up. That is a farm within easy reach, and it is not an exhausted farm by any means; it is new land, comparatively.

Other witnesses testified very strongly to the same facts, and that the wheat lands of California were being gradually exhausted, and would soon be abandoned, and when new land could no longer be had, the wheat culture of California would be at an end; and with it, the chief source of agricultural prosperity. For this there are two principal causes: first, the facility of procuring new land; and, second, the high price of labor, which forbids the application of those principles by which lands are improved and preserved. With the same amount of labor at present prices which is bestowed by the farmer upon the wheat lands east of the Mississippi River, wheat culture in California would be unprofitable, and could not be carried on. California has progressed with more rapidity in wealth and population than any other State in the Union, in spite of our distance, and the time and expense necessary to get there, until the opening of the Union Pacific Railroad within the last few years.

#### G.

The testimony shows that the intellectual capacity of the Chinese is fully equal to that of white people. Their ability to acquire the mechanic arts, and to imitate every process and form of workmanship, ranks very high, and was declared by many of the witnesses to be above that of white people; and their general intellectual power to understand mathematics, and master any subject presented to the human understanding, to be quite equal to that of any other race. Judge Heydenfeldt, a very intelligent witness, and for several years a member of the supreme court, testified as follows:

Q. How does the intellectual ability of the Chinaman, so far as your observation enables you to judge, compare with that of Americans in the same corresponding

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class?—A. I think their general intelligence is greater. My impression is, from my information and observation, that there are very few Chinamen of the ordinary laboring class who cannot read and write their own language. In my intercourse with them, I find them always quick to understand and very quick to appreciate. They exhibit, also, a ready intelligence, much more so than you will generally find among the ordinary laboring class of whites.

Q. What is the general knowledge or comprehension of the Chinese of the character of our institutions and the nature of our government?—A. It would be very hard to say. It is a subject that they never speak upon at all, and if they are ever addressed in regard to it, it is in the most general manner, relating to the administration of the law or something of that kind. They recognize perfectly that every man is equal before the law, and that there is a redress for every wrong; and they understand also that if they fail to get the redress, it is from the lack of evidence, or from the lack of catching the culprit. They understand that our courts are conducted in the most judicious manner for the purpose of ascertaining what is right and what is wrong. These ideas I have derived from occasionally having interviews with them where they have had business with the courts.

Mr. Cornelius B. S. Gibbs, an adjuster of marine losses, testified as follows, on page 530:

As men of business, I consider that the Chinese merchants are fully equal to our merchants. As men of integrity, I have never met a more honorable, high-minded, correct, and truthful set of men than the Chinese merchants of our city. I am drawn in contact with people from all nations, all the merchants of our city, in our adjustments. I have never had a case where the Chinese have attempted to undervalue their goods or bring fictitious claims into the adjustments.

Again, on page 531, he says:

Q. Are their losses generally adjusted without lawsuits?—A. I never had a lawsuit with them or never had a complaint from them in my life. You have got to get their confidence, and explain to them, and they generally go through with the figuring themselves. They can figure very fast and very correctly, and when they are convinced everything is right, there is no trouble. There is no class of people that pay up as quickly as the Chinese. On Saturday we send them notice that the average is closed, and on Monday, by ten or twelve o'clock, all the certificates are paid. I have had fifty and sixty thousand dollars in a case, and they would come straight forward and pay it before twelve o'clock, while we have to send around to the other merchants a month and sometimes two months before we get it all from them.

Rev. Mr. Loomis, who was a missionary in China from 1844 to 1850, and who had been engaged as a missionary among the Chinese in California from 1859 to the present time, said (page 462):

Q. What have you to say of the intellectual capacities of the Chinese generally?—A. The history of China, the permanency of the government, the fact of its continued existence through all the ages since the dispersion from Babylon, and to-day a stronger nation than ever before, answers that question; the career of such men as Yung Wing, once a poor boy in the streets of Macao, now honored with his LL. D. from New Haven College, where he graduated with honors; the rapid progress and high standing of the Chinese students in our Eastern institutions; the essay of one of the Lai Sun family, which took the prizes in such an institution as Philips Academy (and those students are taken from all classes of society, but largely from Canton province); the progress made by the scholars in all our mission schools—their enterprise, skill, and success in all branches of business which they undertake—all these facts are sufficient answer to the question, "Have the Chinese intellectual capacity?"

Mr. Heydenfeldt, on page 511, testifies:

Q. How does the intellectual ability of the Chinaman, so far as your observation enables you to judge, compare with that of Americans in the same corresponding class?—A. I think their general intelligence is greater. My impression is, from my information and observation, that there are very few Chinamen of the ordinary laboring class who cannot read and write their own language. In my intercourse with them I find them always quick to understand and very quick to appreciate. They exhibit also a ready intelligence, much more so than you will generally find among the ordinary laboring class of whites.

Q. What is the general knowledge or comprehension of the Chinese of the character of our institutions and the nature of our government?—A. It would be very hard to say. It is a subject that they never speak upon at all; and, if they are ever addressed in regard to it, it is in the most general manner, relating to the administration of the

law or something of the kind. They recognize perfectly that each man is equal before the law, and that there is a redress for every wrong; and they understand, also, that if they fail to get the redress, it is from the lack of evidence, or from the lack of catching the culprit. They understand that our courts are conducted in the most judicious manner for the purpose of ascertaining what is right and what is wrong. These ideas I have derived from occasionally having interviews with them, where they have had business with the courts.

The Chinese are the original inventors of printing, gunpowder, the mariner's compass, and many articles that are of great importance to the world; but it is undoubtedly true that they have made very little progress in the arts and sciences for several centuries. This has been by some erroneously considered as evidence of their inferior mental capacity. The late Mr. Seward, a profound observer, in his "Voyage around the World," thus speaks of Chinese civilization:

The Chinese, though not of the Caucasian race, have all its moral and social adaptabilities. Long ago they reached a higher plane of civilization than most European nations attained until a much later period. The Western nations have since risen above this plane. The Chinese have made no advancement. Although China is far from being a barbarous state, yet every system and institution there is inferior to its corresponding one in the West. Whether it be the abstract sciences, such as philosophy and psychology, or whether it be the practical forms of natural science, astronomy, geology, geography, natural history, and chemistry, or the concrete ideas of government and laws, morals, and manners; whether it be in the æsthetic arts or mechanics, everything in China is effete. Chinese education rejects science. Chinese industries proscribe invention. Chinese morals appeal not to conscience, but to convenience. Chinese architecture and navigation eschew all improvements. Chinese religion is materialistic, not even mystic, much less spiritual.

If we ask how this inferiority has come about among a people who have achieved so much in the past, and have such capacities for greater achievements in the future, we must conclude that, owing to some error in their social system, the faculty of invention has been arrested in its exercise and impaired.

The intellectual stagnation in China is the result of their institutions. The minds of men have been diverted from science and the arts to the endless ceremonies and ritual of innumerable gods. It was said long ago that "no people can rise above the plane of the gods they worship"; and Chinese civilization long ago rose to the level of their gods. For centuries the Chinese intellect has been hampered, in fact paralyzed, by her institutions, which directed the studies of her scholars to subjects from which no benefit or progress could come, to subjects which could not enlarge the intellect, improve the condition of the people, or add to the national development. Through the long lapse of the Middle Ages the intellect of Europe was paralyzed by misdirection. Ambition was directed to military achievements, the knowledge of science and literature being lightly esteemed, and for a thousand years or more the intellect of Europe was directed to purposes from which no good, progress, or national elevation could come. It was not until the feudal system gave way that the mind of Europe was diverted from the old ruts into new channels, which led to the acquisition of useful knowledge, and finally, by the Baconian philosophy, which looked to actual results, and treated all learning as useless which did not tend to the improvement of the intellectual, social, and material condition of mankind. The learning of the Greeks and Romans, in many respects elevated and refined, wasted the intellect chiefly in metaphysical discussions, which, however beautiful in showing intellectual power, were yet barren of results, so far as the advancement of science and the improvement of the physical and material condition of the race was concerned. The intellect of Greece and Rome expended its force in great part upon subjects which did not advance the condition of mankind; and for more than twelve hundred years the intellect of Europe, hampered and contracted by her

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institutions, added but little to the progress of the sciences and arts. But, because of these undeniable historical facts, it would not do to say that the actual intellect or brain-power of men through these long periods was less than it is to-day, when the world is making such rapid progress. It was the result of misdirection of the human mind, and stagnation—the result of their institutions and condition. As the intellect of Europe burst the cerements by which it had so long been bound, and embarked in a career of discovery and invention, before unknown in the world's history, so it is possible that China may yet be emancipated from her intellectual bonds, and, with her powers of invention, analysis, and imagination released from the thrall of ages, may start anew, and again outstrip the Western nations as she had done before. China was a civilized nation two thousand years before civilization dawned in Europe, and when the ancestors of the refined and haughty inhabitants of the Western countries were howling savages, worshiping rude idols and making human sacrifices. To a people with such a history we should be charitable. The most of the Chinese in California can read and write in their own language. Many of them are excellent merchants and business men. They are the best of bookkeepers and accountants, and conduct their business in the most methodical way.

#### H.

The evidence established the fact that Chinese labor in California is as free as any other. They all come as free men and are their own masters absolutely. In many cases they borrow their passage-money in China, with an agreement to repay from their earnings in this country, with large interest, an agreement which, to their credit be it said, they rarely fail to perform. Nearly all of them upon their arrival become members of one or the other of the six companies in San Francisco, for which they pay an initiation fee, and through that they do their business, make their contracts for labor, make remittances to China, deposit their money, and make arrangements for the return of their bones to China, should they die. They are much given to corporations and companies, and understand well the power and advantage of combination. They frequently work together in associations under the direction of a head man, who keeps their accounts and transacts their business. The most of the Chinese who come here are young men and boys. A few families have come, but nearly all of the men are unmarried. About five thousand Chinese women have come, the most of them prostitutes, imported by procurers, who manage and dispose of them on their arrival. The better and the greater part of the Chinese are opposed to this degrading and destructive traffic, and have made repeated efforts to abolish it.

At one time they succeeded in getting a number of these prostitutes on board a ship to return them to China, but a prominent lawyer in San Francisco procured a writ of habeas corpus and brought them before the court, which decided that they had a right to remain, and discharged them. The original responsibility for their importation lies with the steamship companies and masters of sailing-vessels, who should have refused to bring them. But when we consider the extent and effect of white prostitution in all our large cities, and the openness with which they ply their vocations, we cannot charge this to the Chinese as an original offense, or one peculiar to their color. A vice to which they are peculiarly addicted is gambling. This they carry on extensively, but not more so, nor so recklessly, as it was practiced by the white settlers of California when they had with them but few wives and families,

and it is largely due to their homeless and outcast condition, and to the persecutions which drive them together for recreation and protection.

It is, like prostitution, a vice greatly to be deplored, but not so peculiarly Chinese as to make it the basis of special legislation. The Chinese are not addicted to the use of intoxicating liquors; keep no saloons or whisky shops, and a drunken Chinaman is rarely seen in San Francisco. Their form of intemperance is in the use of opium, which they smoke in shops set apart for that purpose. It does not produce violence or outbreak, but stupor, followed by languor, depression, and disease, and the number who practice it is smaller than the number of whites who visit saloons and get drunk. A common vice with them is perjury in the courts. The testimony shows them in many instances to have very imperfect conceptions of the obligations of an oath. They are in every respect free men, and no form or semblance of slavery or serfdom exists among them. But it is also true that their prostitutes are imported as slaves, and are often bought and sold for that purpose in San Francisco. It is, of course, a voluntary bondage in this country, but it is submitted to by the miserable beings, who are helpless and defenseless among strangers, and must submit to the will of their masters for the mere matter of existence. In many cases Chinamen who buy them live with them as wives and raise families. Labor must needs be free, and have complete protection, and be left open to competition. Labor does not require that a price shall be fixed by the law, or that men who live cheaply, and can work for lower wages, shall, for that reason, be kept out of the country.

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