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WASHINGTON, FRIDAY AND SATURDAY, FEBRUARY 14 AND 15, 1879.

Chinese Immigration.

REMARKS

OF

HON. HANNIBAL HAMLIN,

OF MAINE,

IN THE SENATE OF THE UNITED STATES,

Friday and Saturday, February 14 and 15, 1879.

The Senate, as in Committee of the Whole, having under consideration the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States—

Mr. HAMLIN said:

Mr. PRESIDENT: I am a political partisan. I have been one my life long. I have little respect for any man who is not; and I have a high respect for every Senator upon the other side of the Chamber who expresses with manly firmness his political convictions and stands by them like a man. I trust I love my whole country in all its length and its breadth, and I am willing to leave the record of my life to prove the sincerity of that assertion. If there be an injury to any citizen of this broad land, however remote, I would redress that injury, no matter from what source that injury may come. I would do it "decently and in order." I would do it with the respect that belongs to the civilized nations of the world.

Upon this great question I think there has been but one distinctive ~~speech made in favor of~~ human liberty and the rights of man. "Glittering generalities" these may be, but I think they are principles deep imbedded in the foundations of our Government. I have my own convictions upon what is the right course to pursue in the proper settlement of the question which is presented to us. I should like to have presented them to this body, but when a proposition was made distinctly to take this question at two o'clock to-morrow, and by which we should have consumed less time than we have now occupied, the majority determined otherwise. I bow with all submission to the will of that majority. At this hour, however, with no voice save the eloquent one of my friend from Ohio [Mr. MATTHEWS] raised against this measure, but with a fixed and determined purpose on the part of a large majority of this body, as I suppose, to hurry this measure through, I am not disposed to be driven to an expression of my opinions at this late hour. I am only going to enter my solemn protest against this kind of legislation that caters to your Dennis Kearneys and to your unnaturalized Englishmen, and is only a counterpart of that wild craze that ran over this land known as native-Americanism—little better than that. Inaugurate it now, and where shall it end? Shall it apply to the lazaroni that swarm the coasts of the Mediterranean, and shall they be excluded from our country and our Government? Shall it next enter the theological arena, and shall the Catholic be told that he shall not come here to breathe the free air of this Republic? I know not where it may end.

I have convictions upon this question, and they are deep in my heart. I love my country and I would keep it at least like the motto inscribed upon the banner of the unstained knight, "Without fear and without reproach." We are hurrying on now to do an act at which I fear in after-time the men who do it will blush, and he who writes the history of the day will read it with amazement and astonishment. There is much to be said. I would be glad to state the substantial reasons upon which my convictions are founded. I should have no hope of influencing a single mind within this body. I know the power of prejudice. I know how it holds with grappled hooks of steel; and it is perhaps just as well that I utter no word, that I attempt to present no argument which satisfies me that the faith, the honor of this Government, that every Senator should hold higher and above all else, demand of us that we pause in this kind of legislation.

I decline further to address this body this evening.

The Senate having adjourned—

Mr. HAMLIN resumed and concluded his remarks on the 15th, as follows:

Mr. PRESIDENT: I owe it to myself to offer my thanks to the Senate for the courtesy which they have seen fit to extend to me in allowing me to address this body upon the present occasion instead of

compelling me to do so at a late hour last evening when somewhat exhausted.

In the broad field that lies before me and in view of what has already been said, I hardly know what line of argument is most appropriate. The discussion of this question has somewhat surprised me. We who have been opposed to the passage of this bill coming to us from the House of Representatives have been taunted as sentimentalists, as sustaining a system of glittering generalities. For myself, sir, I have no glittering generalities that I would sustain here to-day; but there are great and fundamental principles coeval with the formation of this Government that have come down to us as traditions of the past, which we have traced along in the practice of this Government and to which I still adhere. Ours was established as "the home of the free," where the outcast of every nation, where the child of every creed and of every clime could breathe our free air, and participate in our free institutions; and we are met and told that these are "glittering generalities!"

Right here and now allow me to say that this marks distinctively the Senators who support and those who oppose this bill. We who oppose it would, if we had the power, recognize these "generalities" as principle, principle to be maintained in all the future as they have been maintained in the past. We who oppose this bill plant ourselves upon the doctrine so well enunciated by that distinguished Senator, now no longer with us, but whose spirit I would invoke upon this body to-day. The late Senator Morton was one of the committee delegated by this body to make an examination into the condition of the Chinese in California, and he has left a legacy to his countrymen and an imperishable monument to his own fame in the brief, though broken, report which he has submitted to us, and in that brief report he has stated clearly and distinctly the grounds that divide us here to-day. That report, which a kind Providence did not give him health to complete, but did give to him a sufficient degree of physical ability and of life to use words that shall live when we shall have passed away, and principles that shall remain when those who combat them shall be forgotten, says:

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 creatures of force and circumstance, but based upon great and eternal doctrines of the equality and natural rights of man. 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.

It is upon this doctrine that we who oppose the passage of this bill as a restriction and a limitation stand in resisting it.

Mr. President, this question has resolved itself into two simple propositions, one of power and the other of principle. Upon the question of power I have heard no difference of opinion in this body. That we may abrogate our treaties with every foreign power is a doctrine which I maintain; and when it comes to that point, when we are justified before the civilized and Christianized world in abrogating a treaty, let us do it. But I do not believe in the doctrine, I do not believe in the expediency of seeking to abrogate a treaty upon a single and comparatively unimportant part, expecting that the main features of the treaty shall thereafter remain in force. That one party to a treaty can change any part thereof, without the consent of the other, is a proposition so absurd that it would be folly to argue it. We have the power; there can be no doubt upon it in my own mind, but there is a broad distinction between power and right. We may have the power to do many things that are wrong; we may have the power to do, and we may do, many things that would not meet the approval of calm and considerate judgment. What we should do, and the rule by which we should be guided, is the rule of right, not of power.

Oh! it is excellent

To have a giant's strength; but it is tyrannous
To use it like a giant.

Now I want to invite the attention of the Senate to the true condition in which this question is presented to us for our consideration and our action. I have no hope of affecting a single vote, but I wish to state the reasons of my own conclusion.

We negotiated a treaty with a friendly and a foreign power. We, in connection with other governments, forced that treaty upon that power. It is as patent and as true as anything; it is as certain as

mathematics, that in securing that treaty there was no section of our country so earnest, so forward as that which lies upon the Pacific coast. We negotiated the treaty, we battered down a wall of commercial restriction that had surrounded the Chinese government in the long ages of the past, almost as restrictive as that Chinese wall that preserved that empire from the Tartar hordes of the north. We accomplished, however, the negotiation of a treaty which secured to us the right of trial by jury of our own citizens in that empire, which opened up a given number of ports which should be accessible for the commerce of our country; and we granted in return the immigration of Chinese subjects to our own country. Why, sir, who does not remember with what welcome, with what rejoicing, that treaty was hailed upon the Pacific coast. To say that they honored it is hardly adequate. That they did homage to the men who negotiated it is nearer the truth. Now, it is affirmed that that treaty is injurious to our friends on that coast, and from its effects they desire to be relieved.

Mr. President, if there is wrong, if there are evils to be corrected, if there is that which demands the interference of the American Congress to correct an existing condition of things, I am as ready as any member upon this floor to apply the proper remedy. I am not willing, however, to apply that remedy of might which subverts the remedy of right. What is, then, the true statement of the case practically as it is presented right here and now? Let us look at it as a practical question. We are asked to secure a modification of the treaty thus negotiated which allows an unlimited immigration from the Chinese Empire to this country. That is the precise question, and it is sought in direct contravention of the fifth article of the treaty to limit that immigration. Is it a desirable thing to do? I will not stop to consider that; but conceding it to be a desirable thing to do, what is the mode in which it should be done? And that brings us directly to the division which we have here upon this question. I would proceed by the ordinary rules of negotiation; I would treat that empire as I would treat every civilized nation upon the earth, and I believe that there are few Senators on this floor who would be willing to treat a warlike power of Europe in the summary manner in which this bill proposes to treat the Empire of China. I would first make the distinct proposition to that empire to treat. Failing to treat, coming within the scope of the amendment which has been submitted by the Senator from New York, after full and ample notice, I would say then that we might take the matter into our own consideration and apply the remedy which in our own judgment should be demanded.

At the last session of this Congress there was a variety of subjects submitted to the consideration of the Committee on Foreign Relations, one a bill almost in the terms of this now presented to us, differing indeed, I believe, only in that but ten citizens of that empire should embark upon any one vessel, this extending it to fifteen. There was another bill proposing to place a capitation tax upon every Chinaman immigrant to this country. There were two or three other propositions. After mature consideration, the Committee on Foreign Relations believing it just and right and the proper solution of this problem, directed my honorable friend from Wisconsin [Mr. Howe] to report a resolution to this body. Perhaps it is not inappropriate to say that I drew that resolution. It met the approval of the committee, and in my absence the Senator from Wisconsin was kind enough to report it for the consideration of the Senate. It was adopted by the Senate. It has been read; still you will pardon me for again presenting it, in connection with what I am saying, to the attention of the Senate:

That the provisions of the existing treaty between the Empire of China and the United States, allowing the unrestricted immigration to this country from China, might wisely be modified so as to subserve the best interests of both governments; and the attention of the Executive is respectfully invited to the subject.

That was a simple invitation on the part of this body, inviting the attention of the Executive to the consideration of this subject, the committee deeming it and believing it to be the precise and best mode in which the result aimed at should be accomplished. It is but a few months since the Senate adopted that resolution. I would leave this question upon that resolution to-day, if I could have my way. I would have no action in this body now. I would leave it there; I would trust it to the Administration in the firm belief—and I do not speak unadvisedly—that if there were not this hot haste to override and to supersede the duties that justly and appropriately belong to the Executive, there would a solution come of this question satisfactory even to our friends upon the Pacific slope. I have before stated to the Senate that conferences have already been held by our Government and the Chinese embassy to the United States with a view to accomplish that result.

Now, sir, I am opposed to legislating upon treaties except in extreme cases, and this is not one of them. I am opposed to legislating upon treaties until every other appropriate method has been resorted to.

Mr. EATON. My friend will allow me to interject a word. He has spoken as chairman of the Committee on Foreign Relations. I should be glad to ask him a question; and that is if that committee were not assured—I do not mean by any outside authority, but were not that committee assured in themselves that a resolution of the character which was adopted would produce precisely what my friend says he would wait another year for, before another session of Congress?

Mr. HAMLIN. In reply to the question of my friend, I cannot

answer anything as to what took place in committee, because I only stated the action of the committee, and that action was evidenced in the report of this resolution.

Mr. EATON. But my friend stated more—

Mr. HAMLIN. I did not mean to state more.

Mr. EATON. He stated that there were divers and sundry things referred to the committee.

Mr. HAMLIN. Yes, that was a matter of record. Those papers had been referred by the Senate, and it was upon those very papers that that resolution was reported. But I do say, I have just said, that if we would only have a little of that patience which I think we ought to have; if we would only wait a fair and reasonable time, in my judgment we should reach a solution of this question under that resolution that would be satisfactory to our friends on the Pacific slope, as well as to the people of the whole Union.

Mr. CONKLING. I have listened to the question of the honorable Senator from Connecticut [Mr. Eaton] and have taxed my recollection to know on what he intends his question to operate, and I think I can say with safety that there never was before the Committee on Foreign Relations, to my knowledge at least, anything upon which any member of the committee could rest himself as an assurance that anything was to be done under the resolution referred to by the Senator from Maine except that which would naturally occur. If there was any private or special assurance about it, I am quite confident I never heard of it or I should not have forgotten it. Did the Senator from Wisconsin ever hear anything about that?

Mr. HOWE. No, sir.

Mr. EATON. I will take occasion to test the matter of memory at another time, not now.

Mr. HAMLIN. What has been, Mr. President, the practice of our Government in matters very similar to this? I have stated, I think, that I believed our Government would undertake with no European warlike nation to deal thus summarily. We ought surely to deal with the feeble with more leniency. What has been the practice of our Government in cases very similar to this? Only a few years since, when the British government undertook to interpolate into the extradition treaty of 1842 words which should exonerate them from surrendering fugitives from this country to theirs, by insisting upon certain declarations on the part of our Government that the person claimed should not be tried for other offenses than those for which the reclamation was demanded, you recollect, all of you Senators, what was the position of our Government? We denied the right; and what did Secretary Fish say? "The United States adheres to the position announced in my former instruction, that it will recognize no power to alter or attach conditions to an existing treaty without its previous consent;" and he declares in the same dispatch the binding obligations of treaty provisions "upon all courts, both State and national;" and, further, "while the treaty shall be in force the Government of the United States would be strangely forgetful of the dignity and rights of the country if a foreign state were permitted to exact stipulations or engagements pursuant to *her* law, but foreign to the treaty, as a condition of obtaining the performance of treaty stipulations."

And what did President Grant say in his message submitting to us the correspondence between our Government and that of Great Britain? Speaking of the right claimed by the British government to interpolate words not within the treaty he said:

If adhered to, cannot but be regarded as the abrogation and annulment of the article of the treaty on extradition.

Secretary Fish said again:

This involves the question whether one of the parties to a treaty can change and alter its terms or construction, or attach new conditions to its execution, without the assent of the other; whether an act of Parliament passed in 1870 can change the spirit or terms of a treaty with the United States of nearly thirty years anterior date.

Here is the position of our Government in a case parallel as nearly as may be with that which is presented to us for our consideration. I have stated that we have a power to abrogate a treaty. We may abrogate it in gross or we may abrogate it upon an immaterial point; but we may not suppose for a single moment that if we seek to annul and abrogate a single clause in that treaty it will remain binding upon the part of the government of the other party that negotiated it with us. So, if we shall abrogate that article which allows the free immigration of Chinese into this country, it is an annulment and an abrogation of that treaty in all its parts if the Emperor of China shall so think fit to regard it.

Go one step further, and what did we do here in this body at our very last session in relation to the treaty of Washington? There was an award made under that treaty by which we were compelled to pay to the government of Great Britain five and a half millions of dollars for the right to fish in British colonial waters. We paid it, but I think it is mathematically demonstrated to-day that of all the benefits that we received the full value of the catch of the fish in those waters when imported into our markets to-day is less than we pay for the privilege of the catch. In other words, the importation of free fish and of fish-oil and of smoked fish and of pickled fish, the catch of the British colonies, in the remission of duties, is largely more in dollars than the value of all the fish that are caught by Americans within their waters. Yet we have obeyed and discharged our obligations in that treaty. But it will be remembered by Senators that

we did what? Introduce a resolution to repeal the law that admitted fish and fish-oil and the products of fish free into this country, as it is proposed to do here now? There was submitted to the consideration of the Senate a resolution that it was desirable to terminate that treaty within the shortest period of time according to the conditions of the treaty. Now, is it the right thing for us to do to-day to treat with one government by an absolute, by an unqualified repeal, as I may call it, of an article of the treaty, an abrogation of it, and to treat with another by asking that negotiations shall be entered into to terminate a treaty? The resolution was submitted to this body, and it met, I believe, the unanimous approbation of the Senate, and it was in these words; it was reported from the Committee on Foreign Relations:

That, in the judgment of the two Houses, the provisions of articles 18 and 21 of the treaty between the United States and the government of Great Britain, concluded on the 8th day of May, A. D. 1871, ought to be terminated at the earliest period consistent with the provisions of article 33 of the same treaty.

That sought, not to place a limitation upon those articles in the treaty, but it pointed out clearly and distinctly the channels of negotiation by which the object should be effected. Senators who hear me know what else is doing, to which I cannot allude. I may say, however, I think within the rules of the body appropriately, that I am advised—I see it stated in the public prints, I know it besides—that the House Committee on Foreign Affairs have agreed to adopt that resolution with an amendment making it operative now and providing that steps shall be taken to terminate that treaty as soon as practicable. The proposition may reach us in that shape, and if so I may have some words to say to satisfy the Senate that it is wise and just and expedient that we should adopt it, that it violates no national faith, and that if the government with which we negotiated that treaty is right it may well afford to terminate the provisions of those two articles in the treaty.

This is the practice; these are the precedents to which I refer, and they ought to guide us in the case before us. We may have the power; we may say that we will violate the article of the treaty with China that allows an unrestricted emigration of her citizens to this country; we may have the power to do it; but when we have done that, we have done that precisely which will bring in all human probability reprisals from that government upon us. John Chinaman is no fool, and I think this whole thing here is illustrated by that poem which has been so celebrated and with which we are so familiar and which was the production of Bret Harte in which he describes so graphically and teaches us a lesson so morally that when two Caucasians, Yankees if you please, undertook to cheat one Chinaman and were unsuccessful they were very much opposed to "Chinese cheap labor," because the one John Chinaman overreached the two Yankees. I think it teaches a moral that applies to this case.

I turn now to an examination of what has been said in this discussion in favor of the bill.

It has been said that this treaty has been violated on the part of China; that she has passed no law in conformity with the sixth article of the treaty, regulating the free emigration of her citizens to this country. I have only to say that that is simply a declaration. We have had no evidence of it here, none whatever. We have not been advised whether China has or has not passed the laws or ordinances or edicts of the empire required within the provisions of the treaty. I may say, then, that this was a simple declaration, a simple assumption upon which the argument is raised that we are released from our obligations under the treaty because China has not fulfilled her obligations.

Mr. President, all these general assumptions are erroneous, and I feel that I am authorized to state here and now that the Emperor of China did issue immediately, or very soon after the treaty was promulgated, his edict to the viceroys of the empire, enjoining against any and all forcible transportation of Chinese people to any foreign country or government.

Mr. MITCHELL. Has it been enforced?

Mr. HAMLIN. I will go further; and the penalty was made death whenever the laws should be violated. Not only this; the emperor has in some cases issued his edicts against transportation with the consent of the emigrants, when learning that misrepresentations of promised advantages led to the transportation of his people where they were badly treated; notably one case was against the transportation to Peru with their consent.

I have looked very carefully at the Revised Statutes of the United States, and I fail to find the first word of any law that we have passed to meet that obligation upon us which it is alleged the Chinese government have not complied with. Then we are the party derelict, and not the Chinese government.

It is alleged next that the Emperor of China having violated this provision, we are at liberty to apply any remedy which in our judgment we shall deem right, or in other words we are at liberty to apply the precise remedy named in this bill. The Emperor of China has done his duty more fully than we have done ours. He has complied with every term and letter of the articles of the treaty. We have not.

Now, is it expedient; and that brings me to the question, is it right? It has been said that we can maintain no very considerable population in our midst who have not the right of suffrage. I am very sorry to say that I am inclined to concur very much in that

proposition; and when I do so it is a reflection on our own Government, which I am indeed sorry to make. I regret that every man of every creed and of every clime may not come here, and obedient to the law and obeying it in all its parts, may not receive its protection.

But we do know from the condition of things in a certain portion of the country, that such is not the fact. We cannot wink it out of sight. In this connection was read a record from the Congressional Globe of certain Senators who had voted upon a certain question. I suppose if it had any pertinency it was to show their inconsistency on this question. The whole record was not read. If the whole of that record had been read it would have presented a different aspect to the Senate than the reading of a single vote. And it is affirmed that said vote referred to is a declaration that Chinese in this country are never to be allowed the rights of naturalization. Allow me to say, it means no such thing, it proves no such thing. Let us see.

It is true that our statute previous to that occasion had provided that none but white persons should be subject to naturalization. That was the old law. It got out in the revision, but under a general principle as it wrongfully went out it was put back, and after it had gotten back an amendment was moved to strike out the word "white." If the whole record had been read it would have been seen that a very decided majority of this body was in favor of striking out that word "white," myself among the number. It obtained; the amendment carried, but we know here that we sometimes seek to palliate that which we cannot overcome. A wise and skillful physician will do that; a wise and skillful legislator will do that. If he cannot accomplish all that he would like to accomplish, he will accomplish that which he can achieve.

The amendment striking "white" from the naturalization laws was adopted, myself voting for it. Subsequently at another stage I voted against the amendment, as did those who had previously voted with me for it. And why? It was upon a bill regulating elections. Then we were told in consultation that with that amendment attached the bill must fail. There was a greater good to be accomplished than this one thing; and to accomplish the greater good there were those of us who were willing to change our position, and we did change it, and we who had voted distinctly in favor of striking out the word "white," I believe I at one stage—I am stating my recollection now; I think the Congressional Globe will corroborate me—moved myself to reconsider the vote by which that amendment was adopted, stating in just so many words that my opinion had not changed, but as a matter of consultation the wisest thing to do, the best thing to do, (and in that I was sustained by the best men of the body,) was to pass the bill without that amendment. We came to the conclusion that then and there upon that bill was not the appropriate time or place to put that amendment, and for those considerations we voted to reconsider our action.

Mr. DAWES. Will the Senator allow me—

Mr. HAMLIN. If you please.

Mr. DAWES. The Senator yields to me while I read what was stated by him to the Senate when he moved the reconsideration which he subsequently withdrew:

Mr. HAMLIN. I desire to make a proposition, and if it is satisfactory to the Senate I shall be very glad. We have consumed a great deal of time. I see no end to this debate. I want to be practical. There are measures of pressing public importance that I think we ought to devote our attention to. Being a practical man, and seeing no more hope of carrying this amendment on this bill than in a separate bill, and in a separate measure by itself, while I am as distinctly in favor of it as I was on Saturday, if we can reach the question I will be very happy to move to reconsider the vote by which the Senate agreed to the amendment submitted by the Senator from Massachusetts; and I want to add that I think I have conferred with Senators enough to assure me that we constitute a majority of this body.

Mr. HAMLIN. That corresponds with my distinct recollection, and besides that I want to say distinctly—I have it in my memory as fresh as though it were this morning—that a leading consideration which operated upon my mind at that time, though it may have been wrong, was this: we have four million colored population that had come to us from a state of servitude, and it was a question wisely to be considered whether we would add then and at that same time another element and another class who were to be assimilated to us, who were to be educated, who were to understand the rights, who were to learn the duties that belonged to American citizenship, and I have a clear and distinct recollection that at that time in my mind, I thought we might postpone for a limited period when we would bring in the Chinaman and give to him the ballot. I therefore voted as I did, first from the consideration that it was an amendment that might as well be enacted as a measure by itself or upon some other bill, not endangering the passage of that bill, I gave the vote which I did. I know other Senators voted from the same considerations.

The record here presented is a record to show how men, for good reasons, sought to change and did change their position. I do not know how much force there was in it, but I remember to have seen as every Senator must have seen, at the date of this treaty, that it was proclaimed through the newspaper press of the land that this desirable thing of negotiating a treaty with China met the unanimous approval of the Senate; there was not a dissenting vote. Why do not men stand up to-day to what they chose to ratify then? I think at least if it is not an argument *ad captandum* it is an argument that fully refutes anything that can be drawn from the record of the Globe which has been read. I cannot say what that vote was, but every Senator can refer to the record and see whether the newspaper accounts were right or not; I do not say.

But, sir, I am a little inclined to think that I made a mistake in the vote to which attention has been drawn. I am a little inclined to think that if all the Chinamen in our land had the ballot in their hands to-day we should not have heard a word of this Chinese question here. I think that is a key to a solution of the whole question. I am willing to admit them to naturalization. I think all persons who come here to make their permanent home ought to participate in our Government, ought to be citizens, and ought to have the right of franchise conferred upon them. I voted for it once; I will vote for it again; and, I believe, Mr. President, that if you will treat these people upon the Pacific slope with common humanity they will assimilate, not, perhaps, as readily as other nationalities, to our institutions, but within a reasonable time.

The Senator from California has drawn a graphic and a revolting picture—he has done it before; he has done it truthfully, I doubt not—the social condition of some of these Chinamen; but there are other social evils still more revolting upon which the genius of my friend from California could give us pictures even more shocking than those he has already drawn. Nor is there a class of immigrants coming to us from any nationality among whom you cannot find men in whom you may discover in person, in morals, in all the attributes almost that belong to humanity, as much to revolt us as that which belongs to the lower orders of the Chinese.

I am not going to tire the patience of the Senate by a discussion of the labor question. I have very clear ideas about it. Very much of this talk against "cheap labor" would apply with equal force against every improvement in your machinery. They tell you the Chinese consume nothing and work cheap. Well, the lady's sewing-machine, that she takes into her parlor and uses sometimes as a recreation and sometimes as a task, supplants the necessity of the sewing-maid and thereby diminishes the compensation or the rate of wages of the sewing-maid. Your reapers that traverse the vast fields and savannas of California, all your labor-saving machinery, indirectly, not as directly, affect the laborer. But my opinion is that this is a thing temporary in its nature. Treat the incoming immigrant as he ought to be treated, give him the protection of law, and make his home sacred to him, and my judgment is that it will require a very limited period of time in which to solve the whole problem. A man comes from a distant country where labor is lower than here; he does not adopt the lower scale of labor if he is skilled to occupy the higher grade, nor does it diminish the compensation of labor unless the supply is beyond the demand. But I insist that this labor in California of Chinese has advanced that State a century beyond where she would now be had she been deprived of it. What say the best men? Public opinion is divided; when you count numbers I concede it is largely against the Chinese population, but when you take the intelligent, the cool, the deliberate, and the Christian portion of that population, there is a very respectable minority in that State who tell you that the Chinese have built their railroads, have reclaimed their tule lands, and that uncounted millions of wealth have been added to that State which without the labor of the Chinese would not be in existence to-day. There are some of the best men in that State who tell us that they are a people observant of law, that they are cleanly in their habits, and that they are a desirable class of population as laborers. With all this diversity of opinion, I am not to be drawn into a minute discussion of the effect of the labor question there, because it can be but temporary.

I send to the Secretary a paper printed in Sacramento, California. It contains the speech of a Mr. Stuart, who is a member of the constitutional convention of California. I wish two or three extracts to be read from it to corroborate the position which I have taken in regard to the character of that population there. The three extracts are marked.

The Secretary read as follows:

These men, after being invited to our shores, after building our railroads, clearing up our farms, reclaiming over one million acres of our swamp and overflowed land, planting our vineyards and our orchards, reaping the crops of the small and the needy farmers, gathering our fruits and berries, digging and sacking our potatoes, supplying our markets with the smaller kinds of fish from the sea, manufacturing our woolen and other goods, cleaning up the tailings of our hydraulic mines, scraping the bed-rock of our exhausted mining claims, and relieving most of the householders in this State of the household drudgery which would be imposed upon our wives and daughters, thus contributing to our happiness and true prosperity.

All, I say, will again be swallowed up in this maelstrom of blind rage and fury. It is complained that the Chinese are penurious in their diet and that they live on nothing but rice. The truth is, however, that they live here at a greater cost and have a greater variety of food in their ordinary repast than do most of their Caucasian enemies, and I dare say much better than they enjoyed in their native country. Of pork, poultry, fish, and vegetables they use large quantities and good, for which they pay high prices; also large quantities of American manufactured goods in the way of clothing, boots, shoes, and hats; and the general condition of health among them is far better in the country than among their Caucasian enemies. Seldom a day's work is lost on account of sickness. The care of their person and health is almost marvelous. Every night, after their work is done, and frequently before they eat their meal, each and all go through their ablutions from head to foot, and on Sundays their bathing and washing occupy nearly half the day.

I charge the city of San Francisco with cowardice in not protecting them in the exercise of their rights of "life, liberty, and the pursuit of happiness," which all men are guaranteed under our flag; while they have collected millions of dollars in taxes, licenses, and otherwise, yet they furnish them no protection in return. They pass cruel ordinances against them; they harass and annoy them through every device the law can invent; and why are similar outrages heaped upon them in nearly every county, town, village, or hamlet in this State? Tell me, tell me, oh, tell me, why they are not protected like others in their honest toil.

Mr. HAMLIN. I ought to have said that in the treatment of these men in California, while there are imposed on them in the city of San Francisco alone \$40,000 of taxes for schools, they will not allow a single pupil to the Chinese. More than three thousand Chinese resort to the Sunday-schools of the churches to obtain a knowledge of our language—denied to them in common schools. They tax them with a poll tax, and they tax them with a road tax, and they tax them with a tax upon their property. These are considerations, I think, which enter largely into the present condition of things there, showing the whole trouble to be one of prejudice of race, and not founded in principle.

Mr. SARGENT. There is not a tax levied on a Chinaman that is not levied on everybody else in California. The statistics show that the Chinamen pay \$12,000 less in tax into the treasury of the State than it costs to maintain their convicts at the State prison. In regard to the extracts from the speech of Mr. Stuart, I have no doubt there are persons in California, perhaps five hundred or a thousand, who entertain those notions. I will not take up the time of the Senate by replying to the abuse of California by Californians.

Mr. HAMLIN. Will my friend oblige me by stating how much school tax the Chinese pay and how many are in the schools?

Mr. SARGENT. The Chinese, as I showed in the speech I made last May, are not excluded from the schools. I showed it by quotations from the municipal reports of San Francisco. The tax they pay must be insignificant, for the amount they pay in San Francisco altogether only amounts to \$10,000.*

Mr. HAMLIN. There is another view of the question, Mr. President, broad and national, which addresses itself to the man of Maine, to the citizen of Louisiana, of Virginia, of Georgia, or of New York alike. It is the commercial aspect of this question in which we have an undivided and a common interest. We have a great deal said in these days about reviving the commerce of our country. There is here a great question of commercial intercourse, and it affects every State in this Union; it addresses itself to every man who would aid in bringing back the commerce of our country to what it was a few years since. Our importations and our exportations to China but a few years ago were limited to two or three millions of dollars. What are they to-day? Twenty-four million dollars. And of what do our exportations consist? A particular quality of the cotton goods of the North is finding an open market in China, and we exported to Hong-Kong, I think, during the last year very considerably exceeding two and a half million dollars in value of that fabric. We sent from the port of San Francisco alone more than a million dollars' worth of bread-stuffs, showing that by commercial intercourse we are inducing the Chinese to take our flour in place of their rice.

Mr. EDMUNDS. That flour is grown on the fields of California.

Mr. HAMLIN. And that flour is grown upon the Pacific coast, produced, more or less, by "Chinese cheap labor!" As I said, our trade with China last year was about \$24,000,000, exports and imports. Let me give the figures of our exports alone to that country: Exports to China for the years—

1871.....	\$2,041,836
1872.....	2,915,465
1873.....	2,547,085
1874.....	2,078,565
1875.....	3,551,038
1876.....	4,715,115
1877.....	4,903,075
1878.....	6,850,931

Details of the exports to China from the United States, 1878.

Commodities.	Amount.
Cotton, manufactured.....	\$2,557,556
Breadstuffs.....	1,097,327
Quicksilver.....	780,323
Oils, mineral.....	695,394
Ginseng.....	454,037
Provisions, fish.....	270,061
Lead, manufactures of.....	256,168
Ordnance stores.....	109,013
Iron and steel, manufactures of.....	105,341
Clocks.....	48,826
Drugs.....	20,261
Coal.....	12,784
Furs.....	3,150
All other articles.....	440,690
Total merchandise.....	6,850,931

Let me say here that Chinese labor averages more to-day than is paid to the laborer in the State in which my colleague and myself reside. "Chinese cheap labor!" It is a canting cry, it is a cry addressed to the prejudices, not to the cool judgment of men. "Chinese cheap labor!" My colleague knows that I have been a manual laborer from my boyhood to this hour, and God knows that there can be no sympathy that man should possess that is not in my heart in favor of the productive labor of our country; but while I am thus in favor of that labor, I will not violate a great and a fundamental principle of my Government. We will welcome within its borders the native of every clime and of every country, and be he pagan or be he

* Mr. HAMLIN understands that the statutes of the State of California prohibit, in words, the attendance of Chinese children at the public schools.

Hottentot, be he of this or of that creed, let us receive him here within the arms of a Christian civilization, that civilization which we believe to be the best on earth, the civilization of Christ, and if we cannot overcome paganism or any other ism in all the broad earth when we send missionaries to convert them, if we cannot overcome their system of government, their system of prejudices or religion or the want of religion, then when that shall be demonstrated it will be time enough to tell me that they shall not come here; and when I see in the great productive industries of the country that this labor as a whole produces wealth that otherwise would not be produced and that though an inequality exists it can be but brief in its existence, I have no fear of this talk about "cheap Chinese labor."

I see, Mr. President, a mighty country, an empire upon the Pacific; I look at its vast resources of soil, of forest, of mine, of water that rolls its way to its own vast ocean home unvexed by the utilizing hand of man. I want no vision to tell me what shall be that empire of commerce, of arts, and of agriculture that in the future shall arise upon that coast. I look beyond, and I see the mighty commerce that shall come from India to us if we are wise, if we do not do that which shall compel the Emperor of China to retaliate upon us and to make reprisals. Who believes that if we to-day shall determine that but fifteen Chinamen shall come to this country in each vessel from the Empire of China, he will not say but fifteen barrels of that flour which goes in uncounted thousands from California shall be the limit that shall be taken upon any vessel that traverses the Pacific to China? Who does not believe that if we place unnecessary and harassing restrictions upon the Chinese government, if we violate our plighted faith and national honor to them, they will not feel exonerated and retaliate upon us? Oh, I cannot bear to see a stop put to the untold millions of commerce that shall roll to our shores; I cannot bear to see that uncounted commerce that shall go from us to them interfered with. I can see how it shall stimulate the industries of our land, how it shall benefit the operative and the manufacturer alike, how it shall benefit the Government and the citizens, and I can see too how it may be obliterated or retarded or prevented.

We to-day who are against this bill are not against redressing every grievance that needs or rightfully demands redress; but the substi-

tute submitted by the Senator from New York is not that we will without notice, not that we will without seeking negotiation, abruptly place a restriction upon that article in the treaty which amounts almost to inhibition, but it provides that we will give China an ample notice that the immigration article of the treaty is not satisfactory to us. It is not. We know it. We have passed and rightfully passed legislation very strict against coolie immigration. It does not exist to-day. There is not anything of it to-day. No Chinaman can come here to-day without the clear certificate of the consul at Hong-Kong, and nine hundred and ninety-nine out of every thousand that come here have come from the British port of Hong-Kong. There may be cases in which Chinamen have come from other ports; but they are sporadic.

Now, I confess very frankly that I have not any very great love for that amendment, but I will vote for it. I will vote for it because it gives a notice, because it invites a negotiation, it fixes a time within which negotiations must be had, or then we will consider the propriety of adopting legislative measures for the redress of any grievances which may be found to exist. I go a step further than I would willingly go, and I will do it because it is seeking redress in that direction which is right, it is seeking it through the channels of diplomacy; and when the day shall come that Congress shall seek to negotiate your treaties, when they shall undertake to rescind single articles of treaties already existing, it will be a sad day for the Republic and for its best interests.

Mr. President, I may have talked incoherently somewhat. I have hardly had the time to systematize that which I proposed to say, and I have occupied more of the time of the Senate than it was my purpose to do; but I wish to say now that my action in this case is guided not by "glittering generalities" but by the fundamental principles on which our Government was founded, by which it has been administered, and which I would maintain as living principles. That constitutes, I think, the difference between the Senators who support and the Senators who oppose this bill.

I shall vote against the measure, and I leave that vote the last legacy to my children that they may esteem it the brightest act of my life.