

PROVIDING INDEMNITY TO CERTAIN CHINESE SUBJECTS.

MAY 1, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COX, from the Committee on Foreign Affairs, submitted the following

REPORT:

[To accompany H. Res. 147.]

The Committee on Foreign Affairs, to whom was referred the joint resolution (H. Res. 147) "providing indemnity to certain Chinese subjects for losses sustained by them within the jurisdiction of the United States," have had the same under consideration, and respectfully recommend its adoption, with the following amendment:

Strike out section 2.

This whole subject is so fully presented and ably discussed by the President in his message regarding this matter (House Ex. Doc. 102), and the propriety of this appropriation is so amply justified, we deem it unnecessary to say more than to invite attention to said message, which is annexed to and made part of this report. The matter embraced in the section eliminated is the subject of a bill upon which a separate report has already been presented to the House by this committee, and is now awaiting the action of Congress.

APPENDIX

[House Ex. Doc. No. 102, Forty-ninth Congress, first session.]

Message from the President of the United States relative to Chinese Treaty Stipulation.

MARCH 3, 1886.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the Senate and House of Representatives:

It is made the constitutional duty of the President to recommend to the consideration of the Congress, from time to time, such measures as he shall judge necessary and expedient. In no matters can the necessity of this be more evident than when the good faith of the United States under the solemn obligation of treaties with foreign powers is concerned.

The question of the treatment of the subjects of China sojourning within the jurisdiction of the United States presents such a matter for the urgent and earnest consideration of the Executive and the Congress.

In my first annual message, upon the assembling of the present Congress, I adverted to this question in the following words:

"The harmony of our relations with China is fully sustained.

"In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hard-

ship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

"The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory, are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific slope may find vent in similar lawless demonstrations.

"All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrong-doers to justice should be insisted upon.

"Every effort has been made by this Government to prevent these violent outbreaks, and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.

"Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.

"The admitted right of a Government to prevent the influx of elements hostile to its internal peace and security may not be questioned, even where there is no treaty stipulation on the subject. That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evident in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than our own. If existing laws are inadequate to compass the end in view, I shall be prepared to give earnest consideration to any further remedial measures within the treaty limits which the wisdom of Congress may devise."

At the time I wrote this the shocking occurrences at Rock Springs, in Wyoming Territory, were fresh in the minds of all, and had been recently presented anew to the attention of this Government by the Chinese minister in a note, which, while not unnaturally exhibiting some misconception of our Federal system of administration in the Territories, while they as yet are not in the exercise of the full measure of that sovereign self-government pertaining to the States of the Union, presents in truthful terms the main features of the cruel outrage there perpetrated upon inoffensive subjects of China. In the investigation of the Rock Springs outbreak and the ascertainment of the facts on which the Chinese minister's statements rest, the Chinese representatives were aided by the agents of the United States, and the reports submitted, having been thus framed and recounting facts within the knowledge of witnesses on both sides, possess an impartial truthfulness which could not fail to give them great impressiveness.

The facts, which so far are not controverted or affected by any exculpatory or mitigating testimony, show the murder of a number of Chinese subjects in September last, at Rock Springs, the wounding of many others, and the spoliation of the property of all when the unhappy survivors had been driven from their habitations. There is no allegation that the victims, by any lawless or disorderly act on their part, contributed to bring about a collision. On the contrary it appears that the law-abiding disposition of these people, who were sojourners in our midst under the sanction of hospitality and express treaty obligations, was made the pretext for the attack upon them. This outrage upon law and treaty engagements was committed by a lawless mob. None of the aggressors, happily for the national good fame, appear by the reports to have been citizens of the United States. They were aliens, engaged in that remote district as mining laborers, who became excited against the Chinese laborers, as it would seem, because of their refusal to join them in a strike to secure higher wages. The oppression of Chinese subjects by their rivals in the competition for labor does not differ in violence and illegality from that applied to other classes of native or alien labor. All are equally under the protection of law, and equally entitled to enjoy the benefits of assured public order.

Were there no treaty in existence referring to the rights of Chinese subjects, did they come hither as all other strangers who voluntarily resort to this land of freedom, of self-government, and of laws, here peaceably to win their bread and to live their lives, there can be no question that they would be entitled still to the same measure of protection from violence and the same free forum for the redress of their grievances as any other aliens.

So far as the treaties between the United States and China stipulate for the treatment of the Chinese subjects actually in the United States as the citizens or subjects of "the most favored nation" are treated, they create no new status for them; they simply recognize and confirm a general and existing rule, applicable to all aliens alike, for none are favored above others by domestic law, and none by foreign treaties unless it be the Chi-

nese themselves in some respects. For, by the third article of the treaty of November 17 1880, between the United States and China, it is provided that:

“ARTICLE III.

“If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.”

This article may be held to constitute a special privilege for Chinese subjects in the United States, as compared with other aliens, not that it creates any peculiar rights which others do not share, but because in case of ill-treatment of the Chinese in the United States this Government is bound to “exert all its power to devise measures for their protection,” by securing to them the rights to which, equally with any and all other foreigners, they are entitled.

Whether it is now incumbent upon the United States to amend their general laws or devise new measures in this regard, I do not consider in the present communication, but confine myself to the particular point raised by the outrage and massacre at Rock Springs.

The note of the Chinese minister, and the documents which accompany it, give, as I believe, an unexaggerated statement of the lamentable incident, and present, impressively, the regrettable circumstance that the proceedings, in the name of justice, for the ascertainment of the crime and fixing the responsibility therefor, were a ghastly mockery of justice. So long as the Chinese minister, under his instructions, makes this the basis of an appeal to the principles and convictions of mankind, no exception can be taken. But when he goes further, and, taking as his precedent the action of the Chinese Government in past instances where the lives of American citizens and their property in China have been endangered, argues a reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered at Rock Springs, it became necessary to meet his argument and to deny, most emphatically, the conclusions he seeks to draw as to the existence of such a liability, and the right of the Chinese Government to insist upon it.

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and to invite especial consideration of the cogent reasons by which he reaches the conclusion that, whilst the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection; and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country; with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

The correspondence exchanged is herewith submitted for the information of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1886.

No. 1.

Cheng Tsao Ju to Mr. Bayard.

CHINESE LEGATION,
Washington, D. C., November 30, 1885.

SIR: I have the honor to state that it becomes my painful duty to bring formally to the notice of your excellency a subject of the gravest importance, heretofore referred to

in other notes, and to ask for it the careful and considerate attention which distinguishes your conduct towards this legation and my Government.

It appears that several hundred subjects of his Imperial Majesty the Emperor of China, having entered the territory of the United States in accordance with treaty stipulations, had located themselves at Rock Springs, in the Federal Territory of Wyoming; had there erected houses, and for a number of years past had been engaged in the lawful pursuits of peaceful industry.

On the 2d of September last these subjects, while quietly engaged in their usual avocations, were suddenly attacked, without any provocation on their part, by a lawless band of armed men, said to have numbered about one hundred and fifty persons. With scarcely any warning the Chinese were ordered by the mob to leave their homes, but before an opportunity was afforded them to execute these orders a deadly fire of musketry was opened upon them, and they were compelled to abandon their houses and all their property and flee to the mountains for their lives. In a short space of time all who were able had fled without offering any resistance, many of them being shot while in their homes or as they ran away from them. Fire was then set by the rioters to their houses, and the entire village, which constituted their chief place of abode, and all Chinese habitations outside the town of Rock Springs, were burned to the ground. As a result of the mob, twenty-eight Chinese were killed, fifteen more or less severely wounded, and a large amount of property (estimated at \$147,748.74) was destroyed or appropriated by the rioters.

The Chinese consuls at San Francisco and New York were directed by this legation to go to the scene of the massacre and make a personal investigation of the circumstances attending it. I desire again to make acknowledgment of the inestimable service which was rendered to those consuls through the very prompt and generous action of your excellency in causing to be sent high officers of your Government to accompany them for protection and assistance in their work. It is also a grateful duty I discharge in praying you to convey to the noble President of this nation the hearty thanks of my Government for the timely dispatch of troops to Rock Springs after the massacre, which, I am sure, prevented still further loss of life and property among my countrymen.

After a careful and thorough investigation, the Chinese consuls have sent me their reports, which, with the accompanying papers, I inclose herewith for the information of your excellency. To some points established by these documents I deem it proper to direct attention.

It will be noticed that the attack upon the Chinese was unprovoked on their part. The consul at San Francisco reports that "no grievances are complained of by the miners as against the Chinese," and this is confirmed by all the witnesses whose testimony was taken. The postmaster, a resident of the town for ten years, says he has found the Chinese, "as a class, quiet and well disposed," and he had "never known of any feeling among the Chinese towards the white miners." The consul at San Francisco "was assured by prominent citizens, long resident in the Territory, that, as a class, the Chinese have always been law-abiding, quiet, and peaceable, promptly complying with all exactions in the payment of taxes, never in any way becoming a tax upon the authorities. There seems to have been no complaint as to discrimination in wages, the only motive alleged for the assault being the refusal of the Chinese to join the other miners in their "strikes."

A second fact shown is, that the events occurred "in broad daylight." One of the witnesses says, "I think nearly all the murderers can be identified, as no concealment was attempted, * * * but all done in daylight." It does not appear that any civil or other authorities made any attempt to prevent or suppress the riot. The judicial proceedings which followed the sad event are described as "a burlesque." The conduct of the coroner who investigated the causes of death seems to me strange, but with my imperfect knowledge of American procedure I prefer not to criticise it.

A further fact is stated by the consul at San Francisco. He says, "I am, after thorough investigation, firmly of the opinion that not one of these criminals who murdered the Chinese, burned and robbed them at Rock Springs, *will or can ever be brought to punishment by the so-called Territorial or local authorities.* In this opinion I am sustained not only by my own convictions, but also by the governor and prosecuting attorney of the Territory, and scores of citizens, resident and non-resident." This opinion would seem from subsequent events to have been well founded, as, according to the reports in the public press, all of those who had been arrested for participating in the riot have been released, and the grand jury of the county has refused to find any bills of indictment.

For about twelve hours the rioting, robbery, and arson continued unrestrained; for although, as stated, the killing and wounding of the Chinese and the burning of a great part of the houses were done during the daytime, the witnesses testify that "a little after nightfall the firing of the remaining Chinese houses commenced and continued until after midnight. All this time men, women, and children were engaged in looting

and plundering." And the miners' newspaper at Rock Springs says: "All night long the sound of rifle and revolver was heard, and the surrounding hills were lit by the glare of the burning houses." I purposely refrain from giving the details of the massacre contained in the testimony inclosed, as I deem them of too revolting and sickening a character to be repeated in this note, and I am too well acquainted with the noble and humane sentiments which inspire your excellency to think that such a statement is necessary to awaken your sympathy and indignation, and call forth all the powers of your Government to vindicate its laws and repair the wrong which has been done to my countrymen.

It therefore remains for me to ask, in the name of the Emperor and Government of China, that the persons who have been guilty of this murder, robbery, and arson be brought to punishment; that the Chinese subjects be fully indemnified for all the losses and injuries they have sustained by this lawlessness; and that suitable measures be adopted to protect the Chinese residents of Wyoming Territory and elsewhere in the United States from similar attacks. In this connection, I beg to refer to a list of names of those who were killed and wounded, and of the property losses which were inflicted upon Chinese subjects at Rock Springs by the mob of September 2 last.

With this statement I might consider my duty discharged, but for the fact that this legation having had occasion to call the attention of two of your worthy predecessors to a similar but much less bloody and disastrous event, the honorable Secretary Evarts expressed some doubts as to the legal liability of his Government to make pecuniary indemnity to the Chinese sufferers by the mob at Denver, in the State of Colorado, in 1880, and that the honorable Secretary Blaine concurred in the views of Mr. Secretary Evarts. I have, therefore, to beg the kind indulgence of your excellency while I attempt to show why the present request for indemnification, in the opinion of my Government, ought in justice and equity to be granted, notwithstanding the views set forth in the notes of Secretary Evarts of December 30, 1880, and of Secretary Blaine of March 25, 1881. In doing this it is not my intention to either appeal to you from or to question the correctness of the interpretation of the laws of the United States as given by the distinguished jurist, Mr. Evarts, and confirmed by the experienced statesman, Mr. Blaine. It would seem to me, however, to be just that if the view taken by Mr. Evarts as to the obligation of the United States to make indemnity for injuries to private individuals from mob violence should be insisted upon and adhered to by your excellency's Government, China should, in due reciprocity and international comity, accept and practice the same principle.

In the first place, I desire to submit to the enlightened judgment of your excellency whether the present case is not, in one material respect, different from the occurrence at Denver, Colo. In the latter, Mr. Evarts called attention to the fact "that the powers of direct intervention on the part of this Government are limited by the Constitution of the United States. Under the limitations of that instrument, the Government of the Federal Union cannot interfere in regard to the administration or execution of the municipal laws of a State of the Union, except under circumstances expressly provided for in the Constitution." And after referring to those circumstances as applied to the Denver riot, he concluded that action "belongs exclusively to the Government and authorities of the State of Colorado". But in the present case, if I have been correctly informed as to the governmental practice of your excellency's nation, the administration of justice and the protection of life and property belong exclusively to the Government authorities of the Federal Union, and the limitations referred to, as hampering the immediate and direct intervention of the Supreme Government in the Denver case, do not obstruct the action requested in this note. But it is not my intention nor am I qualified to discuss the relative responsibilities or duties of the central and provincial bodies or authorities of the American Union. I count my Government and myself fortunate in having had at the head of the foreign department of this country, in the person of your excellency, one whose long and distinguished experience in public affairs and intimate knowledge of domestic law, and whose well-known sense of international justice and fair dealing eminently fit him for this task, and I cheerfully leave this question in your hands.

There is, however, a broader view of the subject, to which I desire to ask your excellency's consideration. Mr. Evarts states that he knows "of no principle of national obligation, and certainly there is none arising out of treaty stipulations, which renders it incumbent on the Government of the United States to make indemnity to the Chinese residents of Denver, who * * * suffered losses from the operations of the mob. Whatever remedies may be afforded to the citizens of Colorado * * * are equally open to the Chinese residents of Denver. * * * This is all that the principles of international law and the usages of national comity demand." I again disown my desire to question the interpretation of international law given by so high an authority, but as "the usages of national comity" are matters of fact and not of law, I trust it may

not be considered inappropriate for me to examine somewhat in detail what these "usages" really have been and now are.

There is a principle of reciprocal justice and comity so fair and so true that it is incorporated as a cardinal doctrine, in common, in the system of religion and ethics of the people of America and of China. And in proof of the fact that this principle is equally applicable to Governments in their international relations as to persons in their individual duties, it has been inserted in one of the earliest treaties between China and the United States, and the maxim "do to others as they would have others do to them" remains in a treaty, which is to-day the international law of the two nations (Article XXIX, treaty of 1858). Although, unhappily, this principle has not always been observed in the relations which Christian nations have maintained towards China during the present century, it affords me the highest gratification to recognize the fact that whatever advances have been made in the direction of a practical application of that principle are due in great measure to the magnanimous conduct and powerful influence of the Government of the United States. This conduct has been manifested in a number of instances, but notably so when my Government determined to ask the nations of America and Europe to change the policy which they had heretofore pursued, and to enter upon new treaty stipulations. China cherishes with grateful memory the cordial reception given by the United States to its special embassy in 1868, and the ready acceptance of the treaty proposed by it. As to the effect and meaning of that treaty, I beg to refer your excellency to the declarations of the Secretaries of State, Messrs. Seward and Fish, as quoted in inclosure No. 4 to this note.

I recognize the fact that the treaty of 1868 did not repeal various stipulations of former treaties, whereby China had conceded certain extra territorial rights to citizens of the United States; but I think it is also clear that so far as the questions involved in this note are concerned, to wit, the full protection of the laws, punishment for acts of riot, murder, robbery, and arson, and pecuniary indemnity for losses occasioned thereby, American citizens in China have no other and no greater treaty guarantees and rights than Chinese subjects in the United States. They are placed on a common footing with the people of the country. A reference to the treaties and the opinions cited in inclosure No. 4 to this note, will, I think, establish the correctness of this position. I do not understand that, in citing Article XI of the treaty of 1858, guaranteeing to Americans in China the protection of the local authorities, and in noting the fact that this provision is not reciprocal, Mr. Blaine designed to assert that an equivalent obligation was not incumbent upon the local authorities of the United States. Neither that distinguished statesman nor any other patriotic citizen of this powerful nation of law and order would admit that any Government of the globe was more ready than the United States to do justice and afford protection to those who had legally entered its territory. Besides, it is expressly stipulated in Article VI of the treaty of 1868, and in Article II of the treaty of 1880, that Chinese subjects in the United States should be treated as those of the most favored nation.

I now ask that your excellency will examine with me what has been the practice of the Government of the United States in respect to the injuries and damages which its citizens have suffered from mob violence and lawless acts in China. The investigation which I have caused to be made has necessarily been confined to the published records of your own Government, as the desire I have had to bring officially to your attention the Wyoming massacre with as little delay as possible has prevented me from availing myself of the voluminous data in the Chinese archives at Peking. Before the year 1858, upon the request and intervention of the American diplomatic and consular representatives, the Chinese provincial and local authorities had, in a considerable number of instances, indemnified American citizens for losses occasioned by riots and violence, but in that year a convention was agreed to whereby the Government of China paid over to that of the United States the sum of \$735,258.97, "in full liquidation of all claims of American citizens."

In making that payment my Government did not consider the strict obligations of international law or treaty, but was influenced by a desire to show its appreciation of the friendly conduct of the United States in a time of great trial. It neither examined the evidence upon which the claims were based, nor did it insist upon having a representative on the board which disbursed this large sum. The diplomatic representative of the United States, under instructions from his Government, had declared that the claims were equitable and just to that amount, and ought to be paid by China, and upon the faith of his representation the payment was made. From an examination of the claims paid out of that fund, an epitome of which accompanies this note as inclosure No. 3, it appears that a large part of them was for losses sustained by mob violence, robbery, and other lawless acts of individual Chinese subjects. While I desire to embrace this opportunity to again recognize the illustrious conduct of the United States in returning to China the unexpended balance of that fund, it is a fact clearly established by the history

of the claims convention of 1858 that the Government of the United States demanded and received from the Government of China a large sum of money as indemnification for losses sustained by American citizens in China by mob violence and robbery.

In addition to this, your excellency, in reviewing the correspondence of the American legation and consulates in China, from the date of that convention up to the present day, will find that it has been the constant and uniform practice of the diplomatic and consular representatives, under direct and specific instructions or subsequent approval of the Department of State, to intervene with the Chinese Imperial and local authorities in all cases which came to their notice of injuries or losses suffered by American citizens from mob violence, and have asked these authorities not only to punish the offenders but to indemnify the citizens for all their losses. An abstract of some of these cases has been compiled, and is sent with this note, to substantiate its declarations on this point.

It will thus be seen that the Government of the United States has insisted upon the direct indemnification by or through the Imperial and local authorities for almost all conceivable losses by mob violence and other kindred acts. It has caused losses to be paid for the burning or destruction of houses by mobs; required the local authorities in some cases to rebuild or repair them, even when owned by Chinese and rented to Americans, the rent paid during the time the houses could not be occupied by the Americans on account of the acts of the mob to be made good. It has exacted indemnification by the authorities for the robbing of Americans and the plunder of their houses by mobs; reimbursement of traveling expenses occasioned by fleeing from them; for petty thefts where the perpetrators were unknown or could not be arrested; the return of money or the value of clothing and other property taken from the native helpers or Chinese servants of Americans. It has asked and received from the Imperial treasury large sums of money as indemnification for losses to Americans, where the Chinese passengers and crew of merchant vessels have risen and by force seized the vessel and stolen portions of the cargo, or where wreckers or local pirates have plundered vessels in distress.

It has sent its consuls and vessels of war to demand the trial of rioters where a single American suffered losses valued at less than \$500; required the infliction of punishment on the guilty in the presence of the representatives of the American Government, and that the rioters should give bond for the future security of American citizens. Its representative has asked for the destruction of prints in interior districts calculated to incite mob violence, the destruction of the block or type, and the punishment of the possessors. Its minister plenipotentiary has intervened with the Imperial prince minister to secure the return of sums as small as \$73 stolen from American citizens, and to have the latter guarded with greater vigilance. These acts of intervention on the part of the American Government and its representatives, so often repeated through a long series of years, have been independent of any treaty stipulations to that effect.

Article XI, heretofore referred to, confers upon the United States representatives no greater privileges than are, as I am informed, enjoyed by the consular and diplomatic representatives of foreign nations in the United States, without any treaty stipulations; and it gives to American citizens no other or greater protection than is afforded by the laws of China to its own subjects. Notwithstanding this, the Government of the United States has asked for, and that of China has uniformly conceded to, American citizens full indemnity, through the Imperial or local authorities, for all losses and injuries sustained by mob violence and lawless acts of Chinese subjects. It cannot be believed that in doing this the United States has required of China that which it would not, in the language of Secretary Fish, expect of "a European or American State under the rules of the equitable code which regulated the intercourse of civilized nations." Neither can it be believed that the United States would so far violate the spirit of the "golden rule," incorporated by it in one of its treaties, or "the usages of national comity," referred to by Mr. Evarts, as to require of China that which under similar circumstances it would not concede to China in reciprocity.

Having thus examined what has been the practice of the Government of the United States toward China on this subject, I trust your excellency will not consider that I exceed diplomatic propriety if I refer to the conduct of the United States with respect to other nations. I regret that this note is already so long, and I will, therefore, confine my reference on this point to one notable instance. I learn from an examination of the published records of your excellency's Government (a memorandum of which is herewith enclosed) that in the year 1851, in consequence of a great excitement created throughout the United States on account of the execution of a considerable number of American citizens by the authorities of Cuba, the indignation against Spain was so great that a mob took place at New Orleans and another at Key West, and the houses of several Spanish subjects were attacked, but the damages done by the mob were confined to the injury of some property, no lives being lost. Without loss of time, the Spanish minister

at Washington made a demand for the punishment of the rioters, and "indemnification for the damages and injuries inflicted upon Her Catholic Majesty's subjects."

To this request the distinguished statesman who occupied the post now so worthily filled by your excellency replied in almost the same terms as those used by Mr. Evarts, in which he took the position that Spanish residents were entitled to no other or greater protection and rights than afforded by the laws and courts to native-born citizens. This answer does not appear to have satisfied the Queen of Spain, and her minister in Washington was instructed to renew his request for indemnity, and he, referring to the friendly relations existing between the two Governments, applied to the "equity and wisdom" of Secretary Webster to provide "a generous remedy," and also invoked the interposition of the President to secure from Congress the indemnification desired. Thereupon the Congress of the United States authorized the Secretary of State to indemnify the Spanish subjects at New Orleans and Key West for all the losses sustained from the lawless mobs at those places, and a large sum of money was paid out of the National Treasury for this object,

Your excellency must not infer from this citation that I regard this act as a legal precedent, binding the United States in all its future national relations. On the contrary, I understand that it was a *voluntary act of good will, above and beyond the strict authorization of domestic law*. But I do claim that it goes to show that there are high principles of equity and "national comity," rising above the narrow limits of statutory law, which control the action of nations; and I heartily rejoice that the early, constant, and steadfast friend of China, the great and enlightened Government of America, has done so much to bring the nations of the earth up to this high plane of international justice and fair dealing. It is far from my mind to undervalue the friendly relations of any other Government toward the United States, or to lessen the obligations of reciprocal good-fellowship which exists between them; but I would be wanting in my duty to my august sovereign did I admit that any Government has cherished for your excellency's nation more cordial friendship or has been more ready to reciprocate its acts of good will than China.

If, therefore, in the past the equity and wisdom of the Secretary of State, of his excellency the President, and of the Congress of the United States *have found a way* whereby the obstructions referred to by Messrs. Evarts and Blaine have been overcome as to the subjects of other nations, I do not doubt that an equally efficacious method will be devised for the relief of the subjects of China, especially in view of the fact that the Government of the latter has uniformly and for a long series of years granted, at the request of the Government of the United States, similar relief to its citizens, and that, too, in the face of strong local prejudice and at the cost of many hundreds of thousands of dollars.

I ask the indulgence of your excellency in order to refer to a single further point. I cannot disguise the fact that the presence of Chinese laborers in the United States awakens the hatred and opposition of a certain class of the inhabitants of this country. I am happy to know that neither the Government nor the mass of its citizens share in or sympathize with that hatred. It will be remembered, however, that your excellency's Government, only a few years ago, in order to remove some of the causes of that opposition, sent a special embassy to Peking to ask my Government to modify the treaty of 1868 respecting immigration, and in their conferences with the Chinese plenipotentiaries that embassy gave assurances that if the modifications proposed should be conceded by China, the Chinese laborers then in this country should have ample protection guaranteed to them by a specific treaty stipulation and that the Government would "construe all such obligations in that spirit of friendly liberality which has marked its relations with the Chinese Government."

While it was difficult for the Chinese plenipotentiaries to see why a greater obligation rested on their Government to modify treaty stipulations in respect to Chinese laborers than in respect to American missionaries, for instance, whose presence awakened among certain ignorant and prejudiced Chinese a similar hatred and opposition; nevertheless, upon the faith of the solemn assurances of the American ambassadors, they consented to the treaty modifications desired. (For. Rel., 1881, pp. 173 and 178.) I therefore submit to the recognized candor of your excellency, whether your Government did not thereby incur an increased obligation, if that were possible, to afford ample protection to Chinese laborers, such as those who have been murdered and robbed so cruelly at Rock Springs, Wyoming Territory. In view of the state of public sentiment at that place, and of the failure of justice at Denver, I cannot believe that you will refer my suffering countrymen, as their only remedy, to the local courts of that Territory. But calling to mind the conduct of China, and the practice of the United States for a long series of years, you will, in such way as your equity and wisdom may devise, provide an ample and prompt indemnification for the lives and property of the Chinese subjects sacrificed by the acts of the lawless mob on the 2d of September last.

I do not think it necessary to make any special appeal through your excellency to the august chief magistrate of this nation. His sense of justice is so conspicuous, and his conduct towards my country and its people in the United States has been so magnanimous and so praiseworthy, that I am entirely sure he will heartily seek to carry out any recommendation which your excellency may make to him.

Accept, Mr. Secretary, the renewed assurances of my most distinguished consideration.
CHENG TSAO JU.

List of inclosures.

1. Report of the consul at San Francisco, with accompanying papers.
2. Report of the consul at New York, with accompanying papers.
3. Chinese indemnity fund.
4. Protection to Americans and diplomatic intervention.
5. The New Orleans mob and Spanish indemnity.

[Inclosure No. 1.]

Report of F. A. Bee, consul at San Francisco, and accompanying documents.

IMPERIAL CHINESE CONSULATE-GENERAL,
San Francisco, September 30, 1885.

SIR: In accordance with your excellency's instructions transmitted by telegraph on the 13th day of September, requesting me "to go at once to Rock Springs, Wyoming Territory, and fully investigate the massacre of Chinese subjects that took place on the 2d day of September at that place, and report the result of such investigation to your excellency at the earliest possible moment," I left San Francisco the day following, accompanied by Mr. Huang Sih Chuen, consul at New York, and Mr. Tsang Hoy, interpreter; arriving at Rock Springs on the morning of the 18th, entering at once upon the discharge of our duties. To facilitate our investigations, Consul Huang and Mr. Tsang Hoy took charge of that part relating to all information to be obtained from the Chinese, and confining my duties to obtaining facts from citizens and others.

The result of my investigation is herewith submitted, embodied in the statements of citizens resident there for long periods, and present on the day of the outrages, eye-witnesses in fact of one of the most murderous, cruel, and uncalled-for outrages ever perpetrated in any Christian country.

Your excellency will notice by reading the testimony that no grievances are complained of by the miners as against the Chinese; that they had worked for long years together, coming in daily contact with each other, without the slightest complaint ever having been made to the managers or company owning the mines against the Chinese; but, notwithstanding, without a moment's warning, without previous notice, when unsuspecting of danger, in broad daylight, they were attacked by a large body of armed and unarmed miners, estimated at over one hundred, and brutally shot down, their dwellings surrounded, robbed of everything valuable, then set on fire. Those who attempted to escape from their burning buildings were shot down or driven back into the flames. Fifteen remains of those burned have been taken out, not one of which could be identified. There is not the slightest testimony that the Chinese made any resistance whatever. No appeals for mercy were heeded by these human fiends. "No quarter, but shoot them down," was the slogan of these murderers during the massacre of these inoffensive and unarmed Chinese miners.

Your excellency will notice by the testimony that the one fact is set forth and given as the only cause of this outrage, to wit, that the Chinese miners stood in the way of the white miners striking, as they, the Chinese, would not join them in that movement, and hence they must be driven from the mines.

You will also notice that it is not charged that the Chinese came in competition with white miners in the way of cheap labor, as the Chinese are paid the same rates per ton for taking out coal as the white miners. Both classes work upon the same terms, and are governed by the same regulations in all the mines of this Territory when Chinese are employed. Therefore no complaints of this nature can be charged to the Chinese residents.

I am assured by prominent citizens long resident in this Territory, that as a class the Chinese residents have always been law-abiding, quiet, and peaceable, promptly complying with all exactions in the payment of taxes, never in any way becoming a tax upon the authorities. It is significant in proof of this, that I am further informed that

for ten years past there have been about 1,000 Chinese engaged in coal mining in the Union Pacific Railroad Company's mines in this Territory, and never yet has a Chinese miner been convicted of a felony.

My investigation establishes another fact in connection with this outrage. It appears that the white miners there who are the authors of the massacre are members of an association known as the "Knights of Labor," whose membership extends over the whole United States, and it is given as a reason for this outrage that when coal miners strike in distant places who are members of this association, such a strike cannot be successful, for the reason that the Chinese coal miners here would largely contribute to that end by supplying coal from these mines for use where the strike is made. I am assured that this has been the case in several instances in the past five years. Hence they claim that the Chinese must be expelled from all the mines along this railroad that a strike whenever made must be effective. This seems to be the only offending of the Chinese. If they would enroll and become members of this organization, or agree to strike with the white miners, no massacre would have taken place. For months past it has been in contemplation to organize a strike among the coal miners in that Territory and adjoining States and Territories, but the Chinese and a few Mormons would not join in this general strike.

It may be of interest to your excellency to know that not one of these murdering fiends was a native of this country, many of them not residents of the United States one year, and but a small number naturalized citizens. Such were the facts I learned from undoubted authority. As an instance, his excellency Governor Warren, governor of the Territory of Wyoming, was waited upon by a committee of miners who, among other demands made upon him, said that under no circumstances would they permit the Chinese to labor in the coal mines of the Territory. When asked by the governor if they made these demands as citizens, they all had to admit that they were not citizens, and never had been naturalized as such.

Learning that several arrests had been made by the local officers of Rock Springs, I learned upon inquiry that the whole proceeding was a burlesque. Several of the murderers were arrested by warrants issued by a justice of the peace residing at that place, and, for the crime of murder and arson, were admitted at once to bail by this officer of the law in the paltry sum of \$500 each. The justice who performed this act is a member of the Knights of Labor, as well as those so arrested.

I am, after a thorough investigation, firmly of the opinion that not one of these criminals who murdered the twenty-eight Chinese, burned and robbed them at Rock Springs on the 2d day of September, will or can ever be brought to punishment by the so-called Territorial or local authorities. In this opinion I am sustained not only by my own convictions but also by the governor and prosecuting attorney of the Territory, and scores of citizens, resident and non-resident. It is no exaggeration to say that no honest resident or non-resident dare openly denounce the acts of these fiends without imperiling his safety, if not his life. Several instances came to my notice when there wherein persons who had given expression to their honest opinions and denounced this outrage were promptly notified in writing to leave the place or suffer the consequences. In obtaining the testimony herewith transmitted to your excellency, it has been a source of great difficulty on account of this terrorism. Therefore, with the present situation of affairs, it is useless to expect the punishment of the guilty wretches who massacred, burned, and robbed the Chinese there.

I call your excellency's attention to the action of the coroner in holding an inquest over the remains of the dead Chinese. You will notice that no effort was made to summon witnesses to even learn the cause of the death of the victims. Only one witness was permitted to testify, and his evidence was only permitted as a matter of form to establish the fact that the remains were dead. The jury declare that the nationality of the dead was unknown to them. This coroner is the same official that admitted to bail the parties arrested for the murder of the Chinese. These instances of the administration of justice by the local officers is proof positive that any attempt to mete out the deserved punishment for the late outrages would be but a farce. It is the universal opinion of all good citizens, resident and non-resident, that only by the declaration of martial law can these murderers be brought to understand the enormity of their crime, and the richly deserved punishment meted out to them.

Your excellency's attention is called to the correspondence between the general manager of the Union Pacific Railroad and Thomas Weatham, representing the Knights of Labor. I may say in connection with the complaints set forth by the committee, or the so-called grievances, that the Government directors of the Union Pacific thoroughly investigated these complaints at Rock Springs and found them untrue.

In conclusion, it gives me pleasure to inform your excellency that we are under great obligations to the military officers now stationed at that place, as well as the officers of the Union Pacific Railroad, for the aid given your commissioners at all times and under

all circumstances, to the end that we might make our investigation thorough. To General A. McD. McCook and Lieutenant Groesbeck, who were, at your excellency's request, detailed by the War Department to accompany the commissioners to Rock Springs, we are greatly indebted to both officers for the aid and assistance given us. The instructions given to General McCook by the commander, General Howard, accompany this report.

I have the honor to be your excellency's most obedient servant,

FREDERICK A. BEE,

His Imperial Majesty's Consul at San Francisco, Cal.

To his Excellency CHENG TSAO JU,

Chinese Minister, Washington, D. C.

TESTIMONY OF O. C. SMITH, POSTMASTER.

ROCK SPRINGS, WYOMING TERRITORY,

September 18, 1885.

To COLONEL BEE:

DEAR SIR: In compliance with your request, I give what I know and what I believe to be true in relation to the riot in this place that occurred on the 2d day of this month.

About 9 o'clock in the forenoon on the day mentioned word was brought to me that there was trouble in No. 6 mine between white and Chinese miners. I immediately started to walk there. Half a mile this side of No. 6 mine I found about thirty white miners sitting on the railroad track. About half of them had guns in their hands. I inquired what it meant, and they said there had been a fight in the mine between two white men and some Chinese miners about a room; that the white miners and Chinese had been hurt. I advised them all to go back and go to work, and that if the white men had been wronged by the Chinese to take legal steps to get their rights. I then went on towards the mine to find the foreman and see if I could learn full particulars from him. I found him and heard his statement. I then started back. When I came to where I had passed the white men when going up, I found they had left, and about twenty of them were coming towards this village. I came back to the post-office. About 11 o'clock I saw about thirty miners march by the post-office. I saw no guns at that time. About 2 o'clock p. m. I heard firing in the direction of Chinatown. Went to the depot and got on top of a box-car and saw a mob of men—about sixty white men—running into Chinatown, shouting and firing; the Chinese were running out of their houses and running east. Saw that some men fired towards the Chinese and some fired up into the air. I did not see any of the Chinese fall, and at the time I supposed that the firing was only done to scare them.

Chinatown is about half a mile north of the depot, where I was standing, too far to distinguish individuals, but I could easily tell a white man from a Chinaman by his dress. Soon after the Chinese left I saw one of their houses on fire, then another, until eight or ten were burned. Then rumors began to come that several Chinese were killed. Soon after I saw the crowd of white men start to come to this village, heard firing in the direction of a Chinese wash-house, and afterwards learned that the owner had been shot. Not knowing what the mob would do next, I went home to my family. Saw them come to a house in the village where a Chinese foreman named Sui Qui lived, but saw no violence there. Later I saw a number of men around the mouth of No. 1 mine slope, and, as the Chinese miners came out, I heard shouting and firing, and saw the Chinese run for their lives. That evening, just after dusk, I saw the houses, about forty, in Chinatown take fire one after another and burn. During the next day, September 3, I learned that at least fifteen Chinamen had been killed, some of their bodies nearly burned up in their houses. How many were shot before burning I cannot say or guess, but that some who were sick were burned alive I have no doubt.

There was a complete reign of terror here during the next day. Toward the close of this day, September 3, there were rumors that the Mormons were to be driven out of town that night and the people were greatly excited; but that night passed and nothing was done.

I have been living in this village since the 29th day of October, 1875. Have been postmaster here since the 1st of December, 1875. Saw the Chinese brought here in the month of November, 1875, and have seen and dealt with them from that time until the second day of this month, when they were driven away. Have paid them for their labor here, and have had more direct dealings with them than any other man here. Have found them as a class quiet and well disposed. Have never heard of their molesting any family, woman, or child here. Have never known of any feeling among the Chinese to-

ward the white miners, only a desire to be let alone. During the time the Chinese have been here there have been several small quarrels in the mines about pit cars and rooms, but these have in most cases been settled by the pit bosses.

During the first six or seven years the Chinese were here I heard few complaints from white men on account of their employment, some white miners saying they were glad the Chinese were here, as it prevented the formation of a union among the white men; that they had seen enough of miners' unions and strikes; that they preferred the rule of one intelligent foreman to the tyranny of a hundred ignorant and selfish men.

About two years ago it was reported that a sort of miners' union was being organized among the white men here. Since that time I have heard complaints and grumbings because Chinese were employed here. Hints were thrown out that the Chinese were to be driven out of town, and I have not the least doubt that it was the support of and encouragement given by this union that led to the riot of September 2, referred to before. I would not be understood as saying that all the men, or perhaps very few of them, took part in or approved of the killing and burning that was done; but their joining the union, and, after the crimes were committed, remaining still in such union and expecting benefits from the results of the riot, are inexcusable.

In conclusion, I would say that, in my opinion, the riot was the result of this union referred to among the white miners. Of this I think there can be no doubt in the minds of intelligent men who know the facts.

O. C. SMITH.

Subscribed and sworn to before me this 19th day of September, 1885, at Rock Springs, Wyo.

F. A. BEE,
Chinese Consul.

TESTIMONY OF W. H. O'DONNELL.

Have resided in the Territory since 1868, and Rock Springs over fifteen years. Have been most of the time in the employ of the railroad company.

Was here on the 2d day of September, 1885, the day of the attack upon the Chinese. As to the cause of the massacre I know of no grievances of any kind. On the part of the white miners there had been symptoms of discontent for some months previous to this trouble. I think the whole origin of the trouble is based upon the fact that Chinese miners were employed, and that no successful strike could be ordered as long as Chinese were employed, as they never would join in a strike. For ten years that Chinese have been employed in these mines there has been no trouble between the two classes worth mentioning. The opinion of the pit-bosses is that they have had less trouble with the Chinese miners than with the white. I did not have the least idea that the white miners would attack the Chinese. The first indication of trouble was on the day of the massacre. I saw a body of men coming from No. 6 mine, who marched through the main street, who ordered the saloons closed where liquor is sold. This was in the forenoon of that day.

I saw no other demonstration until about 2 or 3 p. m., when they came through again with guns, going to King, Gagen & Mathews's store. From that point they marched toward the Chinese quarter, crossing the Bitter Creek bridge, and attacked the railroad section-men (Chinese), then passed on into the Chinese quarter, keeping up a continuous firing with their arms upon the Chinese until they reached engine-house of No. 3 mine, where they formed again in a body, and then attacked the Chinese houses indiscriminately, the Chinese fleeing to the hills, followed by the white men, who shot them down as they were fleeing. Many remained in their houses, as they evidently knew that if they came out they would be killed. Then I saw one house on fire. They ran several out of the houses, and shot at them as they ran. As soon as the Chinese had been driven off, they commenced setting fire to the houses generally, burning the entire Chinese quarters.

The whole number with arms and who committed the murders did not exceed over sixty men. A large number were on the ground who had no arms.

I was ordered to leave town at once, and did so, going East as far as the "Point of Rocks," twenty-four miles east, returning the next morning on the regular overland train. On my way back I took on the train about sixty Chinese who had escaped, and took them to Evanston. The railroad people gathered up several hundred and took them to Evanston. There was about four hundred Chinese miners employed here at Rock Springs. I think nearly all of the murderers can be identified, as no concealment was attempted on the part of the murderers, but all done in daylight.

W. H. O'DONNELL.

Sworn to before me at Rock Springs, Wyo., this 19th day of September, 1885.

F. A. BEE,
Chinese Consul.

TESTIMONY OF JAMES H. DICKEY.

I have been a resident of Rock Springs for five months past. Am in the employ of Beckwith, Quinn & Co., and have charge of their store at No. 6 mine. Was there on the 2d day of September, when the Chinese were attacked and driven off by the white miners. The nationality of the men was Welsh, Cornishmen, and Swedes, and from other foreign countries. Don't know of any Americans being engaged in the trouble or attack. The first thing that attracted my attention on that day was when a Chinaman named Ah Lip came out of the mine and went to Mr. Francis' house, he being a pit boss, and requested him to go into the mine and settle some trouble there. Mr. Francis asked him, "What is the matter?" Lip said, "The white miners want to fight the Chinamen." Mr. Francis went with him to the pit. Mr. Francis told me that Mr. Evans had marked off four rooms in No. 5 entry, two for Chinese miners, and Isaiah Whitehouse and William Jenkins went to work in two of the rooms, and the first day put in a shot and left it, not going back that day, but did so the next morning, September 2. On this day the Chinamen went to the rooms that had been assigned to them the day before, and fired the shot that Whitehouse had put in the day before. When he went to the room and found the Chinamen at work the difficulty took place, the Chinamen claiming that the pit boss had assigned the room to them. The two white miners beat the Chinamen in a terrible manner. This took place about 8 o'clock a. m. I saw them taking the wounded Chinamen on a buck board over toward their houses.

About half past 8 o'clock I saw the white miners come out of the mine and go to Rock Springs, about 45 men all told. No. 6 mine is about half a mile from Chinatown. About 3 or 4 o'clock I heard shooting in that direction and saw smoke from the burning buildings. Saw Chinamen on the hills running away. I was telephoned from the Rock Springs store to close the store and come to town at once. The distance is about 2 miles. On my way I saw the white men firing at the Chinese, and saw them running away.

What caused the massacre, in my opinion, is wholly owing to the Chinese refusing to go out on a strike, and as long as Chinamen were employed. The average pay of white miners in No. 6 mine has averaged \$3.55 per day right along about six months. This can be proved by the books. Never heard it charged that the Chinese worked cheaper or for a less price than the white miners.

JAMES H. DICKEY.

Subscribed and sworn to before me this 19th day of September, 1885, at Rock Springs, Wyo.

F. A. BEE,
Chinese Consul.

STATEMENT OF A. C. BECKWITH.

I am a member of the firm of Beckwith, Quinn & Co. Our business has been carried on at this place, Rock Springs, for ten years. A branch of our firm is and has been engaged in the furnishing of miners for the Union Pacific Railroad. We have furnished all nationalities, including Chinese. Up to the year 1875 these mines had been worked exclusively by white men. At that time a strike took place by the miners. We then decided to employ a portion of the force, at least by experiment, comprising Chinese. We obtained about 400 and set them to work, paying them the same wages we paid white men, which we have adhered to up to this time, a period of ten years. The earnings of a Chinese miner will average every day that he works the sum of \$3. The white man averages from three to four dollars per day. There are the names of two white miners on our pay-rolls for the month of August, 1885, whose earnings run over \$100 each for that month. This is common and not an unusual thing, and has been for two years past. There never has been, to our knowledge, any complaint made by the miners against the Union Pacific coal department in reference to the wages of any class of miners. Our firm can say that no complaint has ever been made by the white men against the employment of Chinese. There has been the best of feeling between the two races working in the mines. No complaints of a serious nature have ever been made. Everything has gone on in harmony until the past few weeks.

There are but two nationalities working as laborers in these mines—European and Chinese. The only objection I have ever heard from white miners against the Chinese

was that they would not join them in a strike. This seemed to be the whole offending of the Chinese, and until they got rid of them they could never be successful in any strike in Wyoming. There is no doubt but emissaries have been all through the company's mines from Carlin to Ogden stirring up discontent and discord. We have known of this for some time. I know of no grievance that in the least justifies the late outrages.

We as a firm have not brought into these mines any more Chinese the past year than years previous, and those who have been brought here this year were only to fill vacancies.

A. C. BECKWITH.

ROCK SPRINGS, September 21, 1885.

STATEMENT OF RALPH ZWICKY.

In the forenoon of September 2 our clerk reported from No. 6 mine that a fight had taken place in the mine between white and Chinese miners; that several Chinamen had been seriously hurt, and that the men were all leaving the mines.

About one-half hour afterwards, an armed body of men from No. 6 came marching down the track towards the town. At the bridge crossing Bitter Creek the men halted and held a conference. Upon persuasion by a few citizens, they left their arms in the hands near by, and continued their march up town and down Front street towards the hall of the Knights of Labor, shouting, while marching, "White men fall in." Their number was augmented by several tradesmen and miners from other mines. The word was then passed around, "A miners' meeting will be held at 6 o'clock in the evening, to settle the Chinese question." The men then dispersed in the different saloons. It became evident that the men were imbibing freely, all stores and saloons agreed not to sell any more intoxicating drinks that day. A good deal of talk was indulged in about making the Chinese leave camp, but no outsider took it seriously. In the afternoon, about 2 o'clock, the same body of men came marching past the store again, armed with their rifles. They crossed the railroad towards the Chinese section-house, driving the men out towards Chinatown.

Soon the rioters came abreast the outlying houses of Chinatown, about 150 strong, half of them carrying Winchester rifles. There they halted, as it seemed, for consultation. In a little while several revolvers shots were fired, whether by whites or Chinamen I could not say, but I began to realize the seriousness of the situation. What appeared first to be the mad frolic of ignorant men, was turning into an inhuman butchery of innocent beings. The rioters now cautiously advanced. Now a rifle-shot, followed by another and still another, was heard, and then a volley was fired. The Chinamen were fleeing like a large herd of hunted antelopes, making no resistance. Volley upon volley was fired after the fugitives. In a few minutes the hill east of the town was literally blue with the hunted Chinamen. In the mean time fire broke out in a China house, and one after another followed in being laid into ashes. Some houses may have caught fire from others, but it was also evident that many separate fires were laid. Shooting and burning continued uninterrupted until no more Chinamen were in sight and half the houses were gone up in flames.

Towards 5 o'clock the rioters headed for the town again, crossing Bitter Creek, stopping on the bank, where stood a Chinaman's wash-house. The rioters surrounded it, and fired several shots through the roof. It was evident that a poor Chinaman was hid away, for a revolver shot made the crowd more cautious. A good many more shots were fired into the house, and then the bloody work was finished; the poor fellow was shot in the back of the head. The rioters took up their march towards Son Que's house, in the midst of the town. All the Chinamen being gone, they ordered Son Que's wife to leave town. From here the rioters went to No. 1 mine. A few poor wretches had sought safety there, but they were driven out, while the rioters fired their rifles into the air. It was too public a place for any rioter to aim low, and this fact probably saved the lives of the Chinamen. The rioters then went to Foreman Evans and told him to leave town first train east; also gave the same order to William H. O'Donnell, foreman of the Chinese, and employed by Beckwith, Quinn & Co.

The first act was now over, and the rioters dispersed for supper. But it was plain to be seen that their bad blood was up, and could only be cooled down by further destruction. A little after nightfall the firing of the remaining China houses commenced, and continued until after midnight. All this time men, women, and children were engaged in looting and plundering. The next morning a horrible sight presented itself to the visitor in Chinatown. In one place lay three burnt bodies, and one or two in several others. One body was almost eaten up by hogs. It had been roasted by the fire. Another body, shot through the back, lay in the sage-brush, and others were found in different directions. Altogether the number of those known to have lost their lives reached twenty-one. Thirty-nine houses were burnt at No. 3 mine, with a large number of

dugouts belonging to Chinamen. Five houses were burnt at No. 6 mine, and one section-house in town.

The *immediate cause of the riot* was the occupation of two rooms by Chinese which white miners claimed had been given to them by Foreman Evans and Pit Boss Brookman. As the Chinese would not vacate the rooms a fight ensued, in which many white miners took part. As the statement of the parties connected with the affair is contradictory, and my knowledge is based upon hearsay, I would respectfully refer to the testimony given before the Government directors. My belief, however, is that there was no intention of defrauding white miners or of favoring Chinese, but that there was a misunderstanding of the orders by Evans and Brookman.

A *remoter cause of the riot* was the importation of Chinese miners during the summer and non-employment of white men coming to town. The reason for this was the coal company feared a strike of white miners, and to prevent this introduced more Chinamen. All white miners belonging to Rock Springs had work at good wages.

The *grievances of white miners* adduced to have led to the riot are favoritism of the Chinese against white men by pit bosses and officials of the coal company. Of this I have no personal knowledge, except that one boss, McBride, was discharged from the employment of the coal company, it having been proven that he sold rooms. I would again refer to the testimony before the Government directors.

In conclusion let me say that there is no grievance or argument that can be offered in behalf of white miners to justify even the mere driving out of the Chinamen, much less to justify such inhuman butchery. The Chinamen, as I know them, are inoffensive and peaceable workmen. The white miners have earned good wages all summer, and very likely could not earn more if the Chinese were gone. That it may have been exasperating to white men to see alien labor employed, I admit. The remedy, however, was not in killing them, but in compromise, arbitration, or legislation.

This statement I submit as an eye-witness, and to the best of my knowledge and belief.

Yours,

RALPH ZWICKY,
Manager Rock Springs Store, of Beckwith, Quinn & Co.

Subscribed and sworn to before me this 18th day of September, 1885, at Rock Springs, Wyo.

F. A. BEE,
Chinese Consul.

CERTIFICATE OF DR. E. D. WOODRUFF.

ROCK SPRINGS, WYO.,
September 18, 1885.

The following is a memorandum of bodies examined by me since September 2, 1885, at Rock Springs, Wyo.:

September 3, 1885, a. m., dressed gunshot wound of left hip for Chinaman, and left him in fair way of recovery.

September 3, 1885, p. m., at corner's inquest held by John Ludvigsen, acting coroner.

Body No. 1. Chinaman at wash-house. Gunshot through head.

Body No. 2. Chinaman near Chinatown, No. 3 mine. Gunshot through neck. Fractured neck, severing carotid artery.

Body No. 3. Chinaman near Chinatown, No. 3 mine, in edge of Creek. Gunshot left thigh through femoral region, cutting femoral artery.

Body No. 4. Chinaman near Chinatown, No. 3 mine. Gunshot left chest above heart.

Bodies Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15. Only charred remains found in the ruins of the burned buildings formerly occupied by Chinese. Bodies supposed to be those of Chinamen, but burned beyond identification.

September 12, 1885, Chinatown, No. 3 mine. Charred remains of four bodies. Two of same known to be Chinamen from part of the hair remaining, two being burned beyond identification.

Some of said charred bodies were found in a standing posture, with the heads shoved far into holes in the walls in cellars, and none were found in the ruins of the main buildings.

E. D. WOODRUFF, M. D.

My sworn testimony before coroner as to cause of death was as follows:

No. 1, gunshot through head.

No. 2, hemorrhage, result of gunshot wound.

No. 3, hemorrhage, result of gunshot wound.

No. 4, hemorrhage and exhaustion, result of gunshot wound.

Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, probable cause of death from exposure to fire.

Also four bodies found September 12, 1885. Probable cause of death, exposure to fire.

E. D. WOODRUFF, M. D.,

Rock Springs, Wyo.

CORONER'S PROCEEDINGS.

TERRITORY OF WYOMING,

Sweetwater County, Rock Springs Precinct, ss:

[Justice's court, before John Ludvigsen, justice of the peace, acting coroner.]

ROCK SPRINGS, WYO., September 3, 1885.

Being notified of three bodies lying dead at or near the north side of Bitter Creek, in Rock Springs, Sweetwater County, Wyoming Territory, I ordered an inquest to be held.

The following named persons were summoned as jurors in said inquest, to wit: E. S. Murrey, William Harcombe, John Gagan, William Musgrove, W. G. Heits, and O. S. Johnson.

The jury being sworn according to law, the following was subpoenaed as witness, to wit: E. D. Woodruff, M. D.

The jurors having inspected the bodies, heard the testimony, and made all needful inquiries, they returned their inquisition in writing under their hands the following:

We the undersigned, members of the jury, being duly sworn, state, that Chinamen Nos. 2, 3, and 4 came to their death from gunshot wounds, the cause of same being unknown to us.

EDW. S. MURREY, *Foreman.*

WILLIAM HARCOTBE.

W. G. HEITS.

JOHN GAGAN.

WILLIAM MUSGROVE.

O. S. JOHNSON.

I therefore discharged jury, and ordered the bodies to be buried decently according to law. No property or effects found on the bodies.

JOHN LUDVIGSEN,

Justice of the Peace, Acting Coroner.

TERRITORY OF WYOMING,

Sweetwater County, Rock Springs Precinct, ss:

[Justice's court, before John Ludvigsen, justice of the peace, acting coroner.]

ROCK SPRINGS, WYO.,

September 3, 1885.

Being notified of a dead body lying at Rock Springs China wash house, in Rock Springs, Sweetwater County, Wyoming Territory, I ordered an inquest to be held. The following-named persons were duly summoned as jurors in said inquest, to wit: E. S. Murrey, William Harcombe, John Gagan, William Musgrove, W. G. Heits, and O. S. Johnson.

The jury, being sworn according to law, the following witness was subpoenaed: E. D. Woodruff, M. D.

The jurors having inspected the body, heard the testimony, and made all needful inquiries, they returned their inquisition in writing under their hands the following:

We, the undersigned, members of the coroner's jury, from evidence before us, state that the deceased came to his death from a gunshot wound in the head, by some means unknown to the jury.

EDW. S. MURREY, *Foreman.*

WILLIAM HARCOTBE.

JOHN GAGAN.

WILLIAM MUSGROVE.

W. G. HEITS.

O. S. JOHNSON.

I therefore discharged the jury, and ordered the body to be buried decently, according to law.

No property or effects found on the body.

JOHN LUDVIGSEN,
Justice of the Peace, Acting Coroner.

TERRITORY OF WYOMING,

Sweetwater County, Rock Springs Precinct, ss :

[Justice's court, before John Ludvigsen, justice of the peace, acting coroner.]

ROCK SPRINGS, WYO., *September 3, 1885.*

Being notified of eleven bodies lying dead in Chinatown, in Rock Springs, Sweetwater County, Wyoming Territory, I ordered an inquest to be held.

The following-named persons were duly summoned as jurors in said inquest, to wit: E. S. Murrey, William Harcombe, William G. Heits, John Gagan, William Musgrove, and O. S. Johnson.

The jury being sworn according to law, the following witness was subpoenaed: E. D. Woodruff, M. D.

The jurors, having inspected the bodies, heard the testimony and made all needful inquiries, they returned their inquisition in writing under their hands the following:

We, the undersigned, members of the coroner's jury, from the evidence before us, state that human bodies Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 came to their death from exposure to fire, the nationality of said bodies being unknown to us, as they were defaced beyond recognition.

EDW. S. MURREY, *Foreman.*
WILLIAM HARCOMBE.
WM. G. HEITS.
JOHN GAGAN.
WILLIAM MUSGROVE.
O. S. JOHNSON.

I therefore discharged the jury, and ordered the bodies to be buried decently, according to law.

No property or effects found on the bodies.

JOHN LUDVIGSEN,
Justice of the Peace, Acting Coroner.

TERRITORY OF WYOMING,

Sweetwater County, Rock Springs Precinct, ss :

[Justice's court, before John Ludvigsen, justice of the peace, acting coroner.]

ROCK SPRINGS, WYO.,
September 12, 1885.

Being notified of four dead bodies found dead in Chinatown, in Rock Springs, Sweetwater County, Wyoming Territory, I ordered an inquest to be held.

The following-named persons were duly summoned as jurors in said inquest, to wit: Thomas Whitmore, A. B. Benson, Albert Keirle, L. L. Dane, John Petersen, and C. Andersen.

The jury being sworn according to law, the following witnesses was subpoenaed: E. D. Woodruff, M. D.

The jurors having inspected the bodies, heard the testimony, and made all needful inquiries, they returned their inquisition in writing under their hands the following:

We, the undersigned, having been duly impaneled as a coroner's jury to inquire into the cause of the death of the four (4) persons whose names are unknown, do find, after inquiry, that said parties must have come to their death by fire.

TOM WHITMORE, *Foreman.*
A. B. BENSON.
ALBERT KEIRLE.
L. L. DANE.
JOHN PETERSEN.
C. ANDERSEN.

I therefore discharged the jury, and ordered the bodies to be buried decently according to law.

No property or effects found on the bodies.

LUDVIGSEN,
Justice of the Peace, Acting Coroner.

MILITARY INSTRUCTIONS.

[Copies of telegrams received by Col. A. McD. McCook, Sixth Infantry, Brevet Major General, U. S. Army, at Camp Murray, 14 miles from Wauship Station and 21 miles from Coolville, the nearest telegraph station.]

OMAHA, NEBR.

Colonel McCook, *Sixth Infantry* :

Arrange to keep in quick telegraphic communication with Department headquarters. It is possible some of the troops under your command may be needed in connection with riots of coal miners along Union Pacific Railroad in Wyoming. Have you plenty of ammunition? How long will it take infantry to reach railroad?

By command General Howard.

BRECK,

Asst. Adjutant-General.

A true copy.

A. McD. McCOOK,

Colonel Sixth Infantry, Brevet Major-General, U. S. A.

NOTE.—The telegraph operator seems to have omitted the date to this telegram. It was received at Wauship Station, Utah, on the evening of September 5th. I, Lieut. S. W. Groesbeck, adjutant 6th Infantry, then at Wauship Station, in the name of General McCook, made all necessary arrangements for quick delivery of telegrams by mounted messengers from Wauship Station (the nearest railroad station) to Camp Murray.

OMAHA, NEBR., *September 7, 1885.*

Colonel McCook,

Sixth Infantry, Camp Murray:

Have six companies in readiness to move, with ten days' rations and necessary ammunition, in case they are needed in connection with miners' riots along Union Pacific in Utah. Have an understanding with local railroad officials so that everything may be planned to move promptly. It is hoped there will be no occasion to call on your troops, but it may be necessary. Keep in quick communication with telegraph. Do not move without further orders. Acknowledge receipt.

By command General Howard.

BRECK,

Assistant Adjutant-General.

A true copy.

A. McD. McCOOK,

Colonel Sixth Infantry, Bvt. Maj. Gen., U. S. Army.

OMAHA, NEBR., *September 8, 1885.*

Colonel McCook,

Camp Murray, via Coolville:

Send six companies of your command without delay to Wauship Station, where cars will be in waiting by four o'clock to-day to take them to Evanston to report for duty to Lieutenant-Colonel Anderson. The troops under Lieutenant-Colonel Anderson at Evanston and Lieutenant-Colonel Chipman at Rock Springs have been ordered to protect Chinese laborers against lawless violence, and need prompt assistance. Give the six companies ten days' rations and the necessary ammunition. Acknowledge and report letters of companies.

By command General Howard.

BRECK,

Assistant Adjutant-General.

A true copy.

A. McD. McCOOK,

Colonel, Sixth Infantry, Brevet Major-General, U. S. A.

NOTE.—The foregoing telegram was received at Camp Murray at 4.30 p. m., same day as its date, and at 6.30 the troops were in march for Wauship Station, where they took trains for Evanston, a little after midnight.

OMAHA, NEBR., *September 12, 1885.*General McCook,
Camp Murray :

Two Chinese consuls and their interpreter, from San Francisco, will go to Rock Springs, Wyo., to make investigation into the late disturbances. The Secretary of War directs that the consul shall be met at Ogden by two suitable officers from the garrison of Fort Douglas, so as to secure the consuls from harm or insult, and procure them kind treatment while making the investigation and while traveling. The commanding officer at Rock Springs will be instructed to furnish any necessary guard. Select carefully two suitable officers for this duty from your command, and order them at once to Ogden. If General McCook would go himself as one of the officers there would be no concern here as to the success of his mission; but unless he is willing he is not ordered. Acknowledge receipt and report the names of the officers, so that orders may be issued here to cover their mileage. Further instructions will be sent care of Captain Ingalls at Ogden, where the consuls will await the arrival of the officers.

By command General Howard.

BRECK,
Assistant Adjutant-General.

A true copy.

A. McD. MCCOOK,
Colonel, Sixth Infantry, Brevet Major-General, U. S. A.

[Copy of telegram.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
*Omaha, Nebr., September 13, 1885.*Captain INGALLS,
Depot Quartermaster, Ogden, Utah :

Give the following instructions for the officers who go with the Chinese consuls to Rock Springs to them when they reach Ogden:

Your duty will be, in accordance with the instructions of the Secretary of War, to accompany the consuls to Rock Springs, attend them while they are there making their investigation into the late disturbances, and return with them to Ogden, and to take every possible precaution to preserve them from harm or insult, and to see that they are treated with every courtesy and kindness during the whole time. Take no chances of failure in this duty. This dispatch will be authority to call on the commanding officers at Evanston and Rock Springs for any escorts or guards you may need. Spare no pains to make this duty a success.

Report frequently each day by telegram your progress and so forth. Acknowledge receipt and telegraph when you leave Ogden.

By command General Howard.

BRECK,
Assistant Adjutant-General.

A true copy.

A. McD. MCCOOK,
*Brevet Major-General, U. S. A.*CORRESPONDENCE OF MANAGER OF UNION PACIFIC RAILROAD COMPANY AND KNIGHTS
OF LABOR.DENVER, COLO., *September 19, 1885.**To General Manager and President of the Union Pacific Railway :*

GENTLEMEN: We, the undersigned, Executive Committee of Employés of the Union Pacific Railway, wish to submit for your consideration the accompanying report. We believe the matter contained in it materially affects our well-being, as well as the company's interests.

Since the introduction of Chinese labor great discontent has prevailed amongst all sections of your employés. On account of their being used for the upsetting of time-honored usages and the introduction of what we believe to be insidious innovations on our rights and liberties, have unsettled our minds and is preventing the due performance of our labor. The working of a great system like the Union Pacific Railroad cannot be recklessly tampered with, as has been done, without doing harm to all concerned, and

we feel persuaded that as American citizens you would think us unworthy of name if we tamely submitted to the kind of treatment detailed in the accompanying report.

We respectfully submit that to adequately meet the case the removal of the Chinese from the system and the removal of Beckwith, Quinn & Co., and D. O. Clark, from authority is required. Nothing less, we believe, will suffice to prevent a repetition of the treatment or beget that feeling which we believe to be essentially necessary to subsist between the company and their employes.

Further, if this request be complied with, we will assist the company to get good reliable white miners to fill the places of the Chinese, and do everything that is just to help the company.

THOMAS NEASHAM,
Chairman Knights of Labor.

J. N. CORBIN,
Secretary.

REPORT.

We respectfully report that we are in possession of information that satisfies us beyond a doubt that the white miners at Rock Springs have been subjected to robbery and other ill treatment at the hands of superintendent and mine bosses.

(1) They have been robbed of their rights by being turned out of their places in the mine and Chinese put into the same.

(2) They have been made to work where Chinese would not work.

(3) Their places have been bought by Chinese giving as far as \$100 to the mine boss for the same.

(4) They have been robbed by false weights being used to weigh their coal.

(5) They have been discharged because they refused to vote for Mrs. Tisdell for school superintendent.

(6) They have been compelled to buy their goods of Beckwith, Quinn & Co., when they could have procured them cheaper elsewhere.

To tell all that the white miners have been subjected to by the parties named in our letter would take up too much of your time to read, and knowing that you will get the evidence from another quarter, we can only add that we trust that you will give it your most earnest attention.

Respectfully, yours,

COMMITTEE OF EMPLOYÉS.
THOMAS NEASHAM,
Chairman.

J. N. CORBIN, *Secretary.*

OMAHA, September 22, 1885.

Mr. THOMAS NEASHAM,
Chairman Executive Committee Union Pacific Employés, Denver :

DEAR SIR: Your letter of September 19, came duly to hand, and as it was addressed to the president of the company as well as to me, it has been forwarded to the former gentleman at Boston.

You say that "since the introduction of Chinese labor great discontent has prevailed amongst all classes of your (our) employes." You seem to forget during our numerous conferences no dissatisfaction was ever expressed on this account, and that at the last meeting with your chairman and some members of the Omaha committee, held in my office but a few days prior to the recent outbreak, gratification was expressed by them at the absence of any cause for complaint, and at the general harmony prevailing between the managers and other employes of the company. I beg also to remind you that Chinese were employed long before labor difficulties of any kind were known upon the Union Pacific, and that their employment was resorted to originally not from choice, but as an absolute necessity in maintaining the road-bed and keeping the coal mines in operation.

The labor difficulties experienced by the Union Pacific Company prior to the recent outbreak have had no connection with or relation to the Chinese question, so far as known to me.

You prefer certain charges against the firm of Beckwith & Quinn, and Mr. D. O. Clark, the general superintendent of the coal department, and demand their removal. It is the policy and purpose of the present management to give earnest and patient investigation and consideration to specific charges made against any of its officers or employes,

but it will demand proofs and insist upon any party so accused having a fair opportunity to defend himself. In this particular case it might also be well to bear in mind that these charges have been preferred by men at Rock Springs who are attempting to justify to the American people a most atrocious massacre and wanton destruction of property.

You also demand the removal of the Chinese from the service. When the company can be assured against strikes and other outbreaks at the hands of persons who deny its owners the right to manage their property, it may consider the expediency of abandoning Chinese labor; but under all circumstances and at any cost or hazard it will assert its right to employ whom it pleases and refuse to ostracise any one class of its employes at the dictation of another.

Yours, faithfully,

S. R. CALLAWAY,
General Manger.

PRESS ACCOUNT OF THE RIOT.

The exodus!—The true story of the Chinese exodus.

On Wednesday, September 3, all the Chinese in Rock Springs to the number of about 600 were driven out of camp by the long suffering miners. The true story of their expulsion is as follows:

The feeling against them has been getting stronger all summer. The fact that the white men had been turned off the sections and hundreds of white men were seeking in vain for work, while the Chinese were being shipped in by the car-load and given work strengthened the feeling against them. It needed but little to incite this feeling into an active crusade against them, and that little came Wednesday morning at 6. All the entries at No. 6 were stopped the first of the month, and Mr. Evans, the foreman, marked off a number of rooms in the entries. In No. 5 entry eight Chinamen were working, and four rooms were marked off for them; in No. 13 Mr. Whitehouse and Jenkins were working, and Evans told them they could have rooms in that entry or in No. 11 or 5. They chose No. 5, and when they went to work Tuesday, Dave Brookman, who was acting as pit-boss in Mr. Francis's absence, told them to take the first rooms marked off. He supposed the Chinamen had begun work on their rooms, and that Whitehouse and Jenkins would take the next rooms beyond them. But as the two first rooms in the entry had not been commenced, Whitehouse took one, not knowing they had been given to the Chinamen. He went up town in the afternoon, and in his absence the two Chinamen came in and began work in the room Whitehouse had started.

Wednesday morning when Whitehouse came to work two Chinamen were in possession of what he considered his room. He ordered them out, but they would not leave what they thought was their room. High words followed, then blows. The Chinese from other rooms came rushing in, as did the whites, and a fight ensued with picks, shovels, drills, and needles for weapons. The Chinamen were worsted, four of them being badly wounded, one of whom has since died. A number of white men were severely bruised and cut. An attempt was made to settle the matter, but the men were excited and bound to go out. They accordingly came out, armed themselves with rifles, shot-guns, and revolvers, to protect themselves from the Chinese, they said, and started up town. After coming through Chinatown they left their guns behind them and marched down the front street and dispersed about noon.

In the mean time all was excitement in Chinatown. The flag was hoisted as a warning, and the Chinamen gathered to their quarters from all parts of the town, being gently urged by chunks of coal and brickbats from a crowd of boys. After dinner all the saloons were closed and a majority of the men from all the mines gathered into the streets. Most of them had fire-arms, although knives, hatchets, and clubs were in the hands of some. It was finally decided that John must go then and there, and the small army of 60 or 70 armed men, with as many more stragglers, went down the track toward Chinatown. On the way they routed out a number of Chinese section men, who fled for Chinatown, followed by a few stray shots. When the crowd got as far as No. 3 switch they sent forward a committee of three to warn the Chinamen to leave in an hour. Word was sent back that they would go, and very soon there was a running to and fro, and gathering of bundles that showed John was preparing to move out.

But the men grew impatient. They thought John was too slow in getting out, and might be preparing to defend his position. In about half an hour an advance was made on the enemy's works, with much shooting and shouting. The hint was sufficient. Without offering any resistance, the Chinamen snatched up whatever they could lay their hands on and started east on the run. Some were bareheaded and barefooted, others carried a small bundle in a handkerchief, while a number had rolls of bedding. They fled like

a flock of frightened sheep, scrambling and tumbling down the steep banks of Bitter Creek, then through the sage-brush and over the railroad and up into the hills east of Burning Mountain. Some of the men were engaged in searching the houses and driving out the stray Chinamen who were in hiding, while others followed up the retreating Chinamen, encouraging their retreat with showers of bullets fired over their heads.

All the stores in town were closed, and men, women, and children were out watching the hurried exit of John Chinaman, and every one seemed glad to see them on the wing. Soon a black smoke was seen issuing from the peak of a house in "Hong-Kong," then from another, and very soon eight or ten of the largest of the houses were in flames. Half choked with fire and smoke-numbers of Chinamen came rushing from the burning buildings, and with blankets and bed quilts over their heads to protect themselves from stray rifle shots, they followed their retreating brothers into the hills at the top of their speed. After completing their work here the crowd came across to Ah Lee's laundry. There was no sign of a Chinaman here at first, but a vigorous search revealed one hidden away in a corner, but he would not or dare not come out. Then the roof was broken through and shots fired to scare him out, but a shot in return showed the Chinaman was armed. A rush through the door followed, then came a scuffle and a number of shots, and looking through an opening in the roof a dead Chinaman was seen on the floor with blood and brains oozing from a terrible wound in the back of his head.

[Rock Springs Independent.* Official paper of Sweetwater County. Independent Publishing Company, proprietors. Norman B. Dresser, editor.]

Foreman Evans was next visited and told to leave on the evening train. He quietly said he would go. He afterwards asked to be allowed to stay till the next day to get his things ready, but a vote of the men decided against allowing this favor, and about four hours after Mr. Evans left for the East. The crowd next visited the house of Soo Qui, a boss Chinaman, but Soo had gone to Evanston, and only his wife was in the house. She came to the door much terrified, and with tearful eyes and trembling voice said, "Soo he go; I go to him." The assurance of the men that she could stay in the house and would not be harmed did not calm her fears. She did not like the looks of the armed crowd, and gathering a small armful of household treasures she left and was afterwards taken in by a neighbor. Then a few Chinamen working in No. 1 came out and were hustled up the hills after their fleeing brothers.

"Well, gentlemen, the next thing is to give Mr. O'Donnell notice to leave, and then go over to No. 6," said one of the men in the crowd. But the crowd was slow in starting on this errand. A large number seemed to think this was going too far, and of the crowd that gathered in front of O'Donnell's store the majority did not sympathize with this move. But at somebody's orders a note ordering O'Donnell to leave was written and given to Gotsche, his teamster.

Joe Young, the sheriff, came down from Green River in the evening, and guards were out all night to protect the property of the citizens in case of a disturbance. But everything was quiet in town. Over in Chinatown, however, the rest of the houses were burned, the whole of them, numbering about forty, being consumed to the ground. The Chinese section-house and also the houses at No. 6 were burned, and Chinamen were chased out of nearly all the burning buildings. All the night long the sound of rifle and revolver was heard, and the surrounding hills were lit by the glare of the burning houses.

* * * * *

A look around the scenes of the previous day's work revealed some terrible sights Thursday morning. In the smoking cellar of one Chinese house the blackened bodies of three Chinamen were seen. Three others were in the cellar of another, and four more bodies were found near by. From the position of some of the bodies it would seem as if they had begun to dig a hole in the cellar to hide themselves. But the fire overtook them when about half way in the hole, burning their lower extremities to a crisp and leaving the upper portion of the body untouched. At the east end of Chinatown another body was found, charred by the flames and mutilated by hogs. The smell that arose from the smoking ruins was horribly suggestive of burning flesh. Farther east were the bodies of four more Chinamen, shot down in their flight; one of them had tumbled over the bank, and lay in the creek with face upturned and distorted. Still further another Chinaman was found, shot through the hips, but still alive. He had been shot just as he came to the bank, and had fallen over and lay close to the edge of the bank. He was taken up town, and cared for by Dr. Woodruff. Besides this two others were seriously wounded, and many who got away were more slightly hurt. The trains to-day have picked up a large number of Chinamen on the track and taken them west.

* This paper is the organ of the white miners.

[From Rock Springs Independent.]

The return!—Three hundred soldiers protecting them—Chinatown to be rebuilt—United and determined action needed.

It was rumored Wednesday noon that the Chinese were on their way back to Rock Springs. Few believed the rumor, as it was not thought they could be induced to return.

But about 2 o'clock a passenger train came in bearing two hundred armed soldiers. Closely following was a freight train of twenty-two cars loaded with 650 of the hated Chinese, the latter train switching off and went toward No. 3 mine, where the Chinese disembarked, and hurried over to the ruins of their houses. They began digging in the cellars, and soon unearthed a large amount of money. Six thousand dollars in gold and silver was dug up from one cellar, and as much more from another, where it had been concealed before their flight.

Numbers of them soon came up town. Some looked bold and defiant, while others were evidently fearful of being attacked, but no demonstration was made against them. The cars were afterwards brought down the track to a point near the soldiers' camp, where the Chinamen built fires, had supper, and spent the night.

The action of the company in bringing back the Chinese means that they are to be set to work in the mines, and that American soldiers are to prevent them from again being driven out.

It means that all the white miners in Rock Springs, except those absolutely required, are to be replaced by Chinese labor.

It means that the company intend to make a "Chinatown" out of Rock Springs, as they proposed to the Almy miners last Monday.

It means that Rock Springs is killed, as far as white men are concerned, if such programme is carried out.

[From Salt Lake Tribune.]

At Rock Springs—A special "Tribune" representative on the ground.

After the massacre on September 2d the bodies of twenty-five Chinese were gathered and buried on a portion of the burnt district. The bodies were exhumed and placed in coffins, and given burial in the Chinese cemetery, while the Government directors were here, and they had an opportunity to see the ghastly remains. Probably no more horrible mortuary scene ever presented itself to man than this. Trunks and limbs of human beings, showing the work of fire-arms, knives, bludgeons, and of fire, mingled in one mass of putrefaction when all had been gathered together. On many the skulls were mashed in and brains protruded. Regarding the number killed, and who have perished from fright and starvation, or died from their wounds, it is doubtful whether the full list will ever be made known, but it is known that twenty-five have been buried; that in all forty-eight are missing, including these twenty-five, and it is believed that fifteen are dead in the hills. One Chinaman, who came in after living out several days, reports that two of his comrades died, and before he left them the coyotes had begun to devour the bodies. This is probably one incident in a half dozen or more. The Chinaman who reported this when he came in was so nearly famished that he lay down by a tub and drank as if he never would be able to quench his dreadful thirst, and, being wounded in his foot, went away for treatment, and cannot now be found.

INVESTIGATION OF THE GOVERNMENT DIRECTORS OF THE UNION PACIFIC RAILROAD

[From Omaha Tribune-Republican, September 19, 1885.]

CHEYENNE, WYO., September 18.

Three of the Government directors, General E. P. Alexander, M. A. Hanna, and James W. Savage, are at Rock Springs, investigating the circumstances attending the late outbreak. They gave a hearing yesterday to a committee of citizens who had previously presented their case to Mr. Bromley, the representative of the company. The case was presented in a much better shape than upon the former occasion, and the causes of complaint were made more intelligible and clear. Nothing new, however, appeared as to the alleged grievance against the Chinese or against the employers of the miners.

The same rule was observed with regard to the circumstances immediately connected with the outrages. All the witnesses refused to say anything whatever concerning the attack upon the Chinamen and the burning of their quarters. The examination was chiefly conducted by Judge Savage, who was materially assisted therein by Mr. Hanna, who is himself a mine owner, and familiar with the subject of miners' grievances. Every opportunity has been furnished the citizens and miners to present their grievances. The Government directors decided upon the facts as shown to send the following dispatch to Secretary Lamar:

"The undersigned, Government directors of the Union Pacific Railway, pursuant to law, report that we have made an investigation upon the spot into the alleged outrages recently occurring at this place. We find such a condition of affairs here as in our opinion endangers the property of the road, jeopardizes the interests of the Government, and calls for prompt interference. We therefore deem it important that full authority should be given to the proper officers to afford ample assistance to the managers in their efforts to protect the property of the company and conduct the business of the road.

"E. P. ALEXANDER.

"M. A. HANNA.

"JAMES W. SAVAGE."

[From Salt Lake Tribune, September 20, 1885.]

That bloody deed.

The inhabitants of this vicinity are all very much interested in the Rock Springs outrage committed on the Chinamen several weeks ago, and the Tribune, desirous of laying before its readers the facts as near as can be gathered at this time, deputed one of its representatives to call on the three Union Pacific Government directors, who arrived in this city yesterday from Rock Springs, where they have been investigating the circumstances attending the late outbreak. The distinguished gentlemen are M. A. Hanna, of Cleveland, Ohio; E. P. Alexander, of Augusta, Georgia, and Judge James W. Savage, of Omaha. In the afternoon they visited Fort Douglas and the several buildings in the Temple Block, into whose sacred precincts the footsteps the ungodly gentiles are permitted to enter, and after a well-enjoyed dinner, were found in excellent spirits, prepared to submit to a series of questions and cross-questions. The replies were given in an open, frank, and unreserved manner, and each gentleman vied with the other in giving all the facts that would tend to elucidate the condition of affairs at Rock Springs to-day:

"Did you come West purposely to investigate this matter?" asked the reporter.

"No, sir; we were on a tour of inspection of the road, and went to Rock Springs at the solicitation of a committee of citizens and miners of that place, who telegraphed us, asking us to stop there. On Thursday last we examined into the story of these gentlemen, and yesterday (Friday) we heard the statement made by the Chinese consul at New York, Colonel Bee, and a number of Chinamen who had been wounded on the night of that awful and unjustifiable massacre."

* * * * *

"Is that true that most of the attacking party of miners were aliens?"

"Quite true. We found, upon investigation, that there was not an American-born citizen among them. Their nationalities were English, Welsh, Scotch, Irish, and Scandinavian, their numbers predominating in the order named."

"Colonel Bee intimates that the attempt to bring the offenders to trial will be abortive, on account of the jurors being all, or nearly all, from Rock Springs. What do you think of it?"

"It is a fact that of the sixteen grand jurors, eleven are from Rock Springs. This, however, is nothing unusual, nor is it the fault of the sheriff, nor do I think Colonel Bee intended to complain of that. Rock Springs is the largest town in the county, and it would be impossible to get a grand jury at all unless drawn from the city people, for the other inhabitants of the county live at distances varying from 25 to 50 miles, over difficult roads to the court-house, and would rather pay their fines than attend court. The sheriff of Sweetwater appeared to be a competent man, desirous of doing his simple duty. He told us it would have been utterly impossible to have obtained the services of three men to suppress the riot or maintain order after the riot was suppressed, and that it was at his instigation that Governor Warren called out the troops. There are now about ninety soldiers on duty, being small detachments from three regiments. These soldiers are overworked, and although able to suppress any disorder ought to be re-enforced. It was for this reason, among others, that we telegraphed to Secretary Lamar the message, a copy of which appeared in this (Saturday) morning's Tribune."

"The white laborers said the Chinese were sober, industrious, quiet, timid, and thrifty. One man, who had worked with them in the same mine for eight years, declared that he never had any quarrel with them and had never but once known of their having a difficulty with anybody. On the occasion of our examination they were temperate in their expressions and confident in the belief that they would be protected in the future. We heard no word of bitterness from any one of them. The witnesses smiled as they showed their wounds and told the story of their escapes with an amused expression, as though surprised themselves at the outbreak."

"Will the white men engaged in the riot be taken back in the Union Pacific's employ?"

"No, sir. Only sixteen have been arrested, so far, under the law, and forty-five have been discharged, as being participants in the riot. Of those discharged the company will take back any who can establish their innocence. Notice has been given that mines Nos. 3 and 4 will be started on Monday next. At present no work is being done at the mines."

"Will you make a special report on this affair to the Government?"

"No, sir; but we will make a note of it in our report to the Secretary of the Interior, which is required to be made annually about November 1."

In reply to numerous other questions the courteous gentleman stated that the people of Rock Springs are willing to concede that the killing was unfortunate, but they had yet to hear of any inhabitant of that place who thought that the massacre was wicked or wrong. Indeed, the citizen who was willing to concede that it was unfortunate said he could not help but rejoice when he saw the Chinese fleeing.

The directors could not tell how long the troops would be kept at Rock Springs, but thought if removed now another outrage would follow. The Chinamen are lodged in box cars near the encampment of the troops.

THE RESULT OF THE JUDICIAL INVESTIGATION.

[From the Chicago Tribune, October 8, 1885.]

Nobody responsible for the Rock Springs outrages.

CHEYENNE, WYO., October 7.

The grand jury of Sweetwater County found no indictments against the Rock Springs rioters. It made the following report:

"We have diligently inquired into the occurrence at Rock Springs on the 2d day of September last, and though we have examined a large number of witnesses, no one has been able to testify to a single criminal act committed by any known white person that day. Whatever crimes may have been committed, the perpetrators thereof have not been disclosed by the evidence before us; and, therefore, while we deeply regret the circumstance, we are wholly unable, acting under the obligation of our oaths, to return indictments. We have also inquired into the causes that led to the outbreak at Rock Springs. While we find no excuse for the crimes committed, there appears to be no doubt of abuses existing that should have been promptly adjusted by the railroad company and its officers. If this had been done, the fair name of our Territory would not have been stained by the terrible events of the 2d of September."

The Union Pacific Railway Company is now employing Mormons at its mines at Almy and Rock Springs.

[Associated Press telegram.]

ROCK SPRINGS, WYO., October 7.

There is great excitement here over the release of the alleged rioters. The accused were met on their return from Green River last night by several hundred men, women, and children, and treated to a regular ovation. The mines are turning out about half the usual quantity of coal.

[From the Alta-California, San Francisco, October 10.]

The Wyoming Massacre—Why no indictments were found against the rioters—A derelict prosecution—Consul Bee reiterates his statement that every murderer could have been identified by the grand jurors

As has been already announced by telegraph, the grand jury of Sweetwater County, Wyoming Territory, failed to find any indictment against any of the parties engaged in the recent massacre of Chinese at Rock Springs. It will be remembered that when Consul Bee returned from his investigation of the murderous assault upon the Mongolian residents of Rock Springs he predicted that no indictments would be returned by the

grand jury. Of this he was most confident, because of the terrorism prevailing in that district, and because the grand jury would most likely be empaneled from the very mob which committed the cowardly murders. Yesterday an Alta reporter called upon Consul Bee and asked him what he thought of the grand jury's report. "Think of it?" said Colonel Bee, "think of it? Why, they never tried to indict any one. See, here is, what they say:

"We have diligently inquired into the occurrence at Rock Springs on the 2d day of September last, and though we have examined a large number of witnesses, no one has been able to testify to a single criminal act committed by any known person on that day. Whatever crimes may have been committed there, the perpetrators thereof have not been disclosed by the evidence before us, and therefore, while we deeply regret the circumstances, we are wholly unable, acting under the obligation of our oaths, to return indictments.

"To show you what sort of a grand jury that must have been, I will simply state that I myself have nine affidavits of railroad employes, merchants, and superintendents of the mine, who saw every house fired from first to last. I told United States District Attorney Campbell, who was specially deputized by the Attorney-General to investigate the massacre, that if he would guarantee proper protection I would furnish him Chinese witnesses who could identify every white engaged in the assault. He said he would attend to the matter, and let me know. He then went off to Evanston, and I have never seen or heard from him since. There was no attempt on the part of the prosecuting officer to indict; they did not want any indictments returned, thanks to the reign of terror. You must remember that these Chinese and white miners have been working together for the last eight years, and are a trifle more than familiar with each other's countenances. All the white miners as well as the Chinese were paid off by an American firm, and the head of that concern, as well as two or three clerks, could have identified every one of the rioters.

"Whatever crimes may have been committed,' say the jurors, 'the perpetrators thereof have not been discovered.' Now, to expose the falsity of the statement, let me tell you what took place before the Government railroad directors, M. A. Hanna, of Cleveland, Ohio; E. P. Alexander, of Augusta, Ga., and Judge J. W. Savage, of Iowa. When these gentlemen began their investigations they desired the evidence of Chinese witnesses, and requested me to furnish such witnesses. They assured me that the Chinamen should be protected while giving their testimony, and I then produced the witnesses. The first Chinamen who testified had a deep cut fully six inches long on his scalp, and he was also shot through the fleshy part of his left arm. After obtaining the general facts as to the riot, Judge Savage asked the witness how he got the cut on his head. The Chinamen said he was struck on the head with a pick handle and knocked senseless, and that after he recovered consciousness he started to run away and was shot. Judge Savage then said: 'Can you recognize the man who struck you on the head?' and the answer was prompt and unhesitating: 'Oh, yes; I have known him a long time.' 'Can you give his name?' was then asked, and the witness at once replied: 'Isaiah Whitehouse.'" "Now," continued Colonel Bee, "this man Whitehouse is an ignorant, bigoted Mormon, and a member of the legislature. He was the only available man in the district who could be nominated for the legislature. There is in that locality a colony of some twenty-five Mormon families. This honorable gentleman is in all probability the man who struck the first blow in the riot.

* * * * *

"Why, Mr. reporter, I assure you upon my honor that I did not find a single one of the people of Rock Springs who spoke of the murders as wrong or wicked. Perhaps they did not dare to. But even those who did say the affair was unfortunate and to be regretted, added that they could not help rejoicing when they saw the Chinese fleeing for their lives from their burning cabins. Would you expect in such a community that there would be any indictment found against a white man who might murder a Chinaman? Had the prosecuting officers done their sworn duty I could easily have furnished them more than a hundred witnesses, both white and Chinese, who would have identified every individual rioter."

[Inclosure No. 2.—Translation.]

Report of the Chinese consul at New York and accompanying documents.

CHINESE CONSULATE-GENERAL,
San Francisco, Cal., October 5, 1885.

SIR: I have the honor to state that in compliance with your excellency's instructions, I proceeded with Col. F. A. Bee, Chinese consul at San Francisco, and Mr. Tseng Hoy, interpreter, to Rock Springs, where we arrived on the 18th September, 1885, for the

purpose of investigating the present condition of our countrymen in the latter place, and of ascertaining the facts connected with the recent riot that took place there against them.

As soon as we reached Rock Springs we ordered the remains of those Chinese killed in the riot to be disinterred and examined. We had fourteen coffins dug up, on opening which we found some bodies entire, some parts of bodies, the bones of separate bodies, and promiscuous heaps of bones; and we also dug up the remains of one without a coffin. Inquiring of the coroner at Rock Springs, he stated that since the 3d of September he had examined and interred nineteen persons, and I found that the Union Pacific Railroad Company had interred the remains of two. Besides five entire bodies, the remains of eight others were recognizable, while the bones of eight others were found wrapped up in separate bundles. We had, therefore, exhumed in all the remains of twenty-one persons.

Besides these, the bodies or bones of four more persons were dug out of the ruins of buildings after our arrival, making a total of twenty-five persons whose remains have been found thus far. The examination of all these remains was made in the presence of the United States officials and others. According to the testimony given by the Chinese laborers, there were twenty-eight Chinese killed in the riot, though the bodies or the bones of only twenty-five have been found. The Coroner of Rock Springs, of whom I made inquiry, stated that some of the dead bodies may have disappeared, while the opinion of the Chinese laborers was that the bodies missing were either completely burnt or eaten by dogs and hogs, or left in the wilderness. It is, however, a fact that none of the surviving Chinese ever saw any of the twenty-eight Chinese who are now on the list of the killed succeeded in reaching a place of safety. The Chinese laborers further stated that the country around Rock Springs for many miles is a barren wilderness, with no road except the railroad, and without habitation, vegetation, or water, and that even if the three missing Chinese had not been consumed by the flames they must have perished in some other way, since fifteen days have passed without their being seen. A list of the names of the twenty-eight Chinese killed, with the facts connected with each, is herewith inclosed.

Omitting those whose wounds have healed since the riot, I find that there are fifteen Chinese more or less severely wounded, several of whom, it is feared, will die, and several be disabled for life. A list of the wounded, with the facts of each, is herewith inclosed.

With reference to the property destroyed by the mob, I find that every one of the surviving Chinese has been rendered penniless by the cruel attack. There are three reasons why the Chinese so completely lost their property: 1st, most of them when fleeing had no time to gather up their money, and those that did carry money with them were forcibly deprived of it by the mob; 2d, what they left in their houses was either plundered or burnt; 3d, the huts which they built for themselves were completely destroyed.

Since the riot took place it has been impossible for them to secure even a torn sheet or any article of clothing to protect them from the cold, or even the crumbs from the table to satisfy their hunger, or even a plank or mat to rest their bodies on. These poor creatures, numbering hundreds, are all hungry and clothed in rags. They look worn out and frightened, and most of them forlorn and absent-minded. Words fail to give an idea of their sufferings, and their appearance is a sad one to human eyes to witness.

Upon making inquiries as to the past, I found that the Chinese so savagely and unmercifully deprived of their property had been in Rock Springs, some for over ten years, others for a shorter time, for the purpose of working in mines or on railroads. Some of the Chinese locating at Rock Springs were afterwards joined by their fathers, brothers, or other relations, all settling themselves there as colonists, while others came with their goods for the purpose of peddling or trading. In the course of time they had built for themselves more than seventy huts, and the Union Pacific Railroad Company had also built more than thirty camp houses for its employés, thus forming quite a town. This town is now nothing but a mass of ruins.

The total value of the property lost belonging to over seven hundred persons is only about \$147,000, this being an average of only a little more than \$200 for each. I have concluded that no one has made any fraudulent claim.

In addition to the two inclosures heretofore mentioned, I beg to inclose for your consideration a list of the claims of the Chinese, and for your information, a copy of the memorial addressed to me while at Rock Springs by five hundred and fifty-nine Chinese.

I am, your obedient servant,

HUANG SIH CHUEN,
Chinese Consul at New York.

His Excellency CHENG TSAO JU,
H. I. C. Majesty's Envoy Extraordinary and Minister Plenipotentiary.

Memorial of Chinese laborers resident at Rock Springs, Wyoming Territory, to the Chinese consul at New York of the examining commission.

[Translation.]

ROCK SPRINGS, WYO., September 18, 1885.

HON. HUANG SIH CHUEN,
Chinese Consul:

YOUR HONOR: We, the undersigned, have been in Rock Springs, Wyoming Territory, for periods ranging from one to fifteen years, for the purpose of working on the railroads and in the coal mines.

Up to the time of the recent troubles we had worked along with the white men, and had not had the least ill-feeling against them. The officers of the companies employing us treated us and the white men kindly, placing both races on the same footing and paying the same wages.

Several times we had been approached by the white men and requested to join them in asking the companies for an increase in the wages of all, both Chinese and white men. We inquired of them what we should do if the companies refused to grant an increase. They answered that if the companies would not increase our wages we should all strike, then the companies would be obliged to increase our wages. To this we dissented, wherefore we excited their animosity against us.

During the past two years there has been in existence in "Whitemen's Town," Rock Springs, an organization composed of white miners, whose object was to bring about the expulsion of all Chinese from the Territory. To them or to their object we have paid no attention. About the month of August of this year notices were posted up, all the way from Evanston to Rock Springs, demanding the expulsion of the Chinese, &c. On the evening of September 1, 1885, the bell of the building in which said organization meets rang for a meeting. It was rumored on that night that threats had been made against the Chinese.

On the morning of September 2, a little past 7 o'clock, more than ten white men, some in ordinary dress and others in mining suits, ran into Coal-pit No. 6, loudly declaring that the Chinese should not be permitted to work there. The Chinese present reasoned with them in a few words, but were attacked with murderous weapons, and three of their number wounded. The white foreman of the coal-pit, hearing of the disturbance, ordered all to stop work for the time being.

After the work had stopped, all the white men in and near Coal-pit No. 6 began to assemble by the dozen. They carried fire-arms, and marched to Rock Springs by way of the railroad from Coal-pit No. 6, and crossing the railroad bridge, went directly to "Whitemen's Town." All this took place before 10 o'clock a. m. We now heard the bell ringing for a meeting at the white men's organization building. Not long after all the white men came out of that building, most of them assembling in the bar-rooms, the crowds meanwhile growing larger and larger.

About 2 o'clock in the afternoon a mob, divided into two gangs, came toward "Chinatown," one gang coming by way of the plank bridge, and the other by way of the railroad bridge. The gang coming by way of the railroad bridge was the larger, and was subdivided into many squads, some of which did not cross the bridge, but remained standing on the side opposite to "Chinatown;" others that had already crossed the bridge stood on the right and left at the end of it. Several squads marched up the hill behind Coal-pit No. 3. One squad remained at Coal-shed No. 3, and another at the pump-house. The squad that remained at the pump-house fired the first shot, and the squad that stood at Coal-shed No. 3 immediately followed their example and fired. The Chinese by name of Lor Sun Kit was the first person shot, and fell to the ground. At that time the Chinese began to realize that the mob were bent on killing. The Chinese, though greatly alarmed, did not yet begin to flee.

Soon after, the mob on the hill behind Coal-pit No. 3 came down from the hill, and joining the different squads of the mob, fired their weapons and pressed on to Chinatown.

The gang that were at the plank bridge also divided into several squads, pressing near and surrounding "Chinatown." One squad of them guarded the plank bridge in order to cut off the retreat of the Chinese.

Not long after it was everywhere reported that a Chinese named Leo Dye Bah, who lived in the western part of "Chinatown," was killed by a bullet, and that another named Yip Ah Marn, resident in the eastern end of the town, was likewise killed. The Chinese now, to save their lives, fled in confusion in every direction, some going up the hill behind Coal-pit No. 3, others along the foot of the hill where Coal-pit No. 4 is; some from the eastern end of the town fled across Bitter Creek to the opposite hill, and

others from the western end by the foot of the hill on the right of Coal-pit No. 5. The mob were now coming in the three directions, namely, the east and west sides of the town and from the wagon road.

Whenever the mob met a Chinese they stopped him, and pointing a weapon at him, asked him if he had any revolver, and then approaching him they searched his person, robbing him of his watch or any gold or silver that he might have about him, before letting him go. Some of the rioters would let a Chinese go after depriving him of all his gold and silver, while another Chinese would be beaten with the butt ends of the weapons before being let go. Some of the rioters, when they could not stop a Chinese, would shoot him dead on the spot, and then search and rob him. Some would overtake a Chinese, throw him down and search and rob him before they would let him go. Some of the rioters would not fire their weapons, but would only use the butt ends to beat the Chinese with. Some would not beat a Chinese, but rob him of whatever he had and let him go, yelling to him to go quickly. Some, who took no part either in beating or robbing the Chinese, stood by, shouting loudly and laughing and clapping their hands.

There was a gang of women that stood at the "Chinatown" end of the plank bridge and cheered; among the women, two of them each fired successive shots at the Chinese. This was done about a little past 3 o'clock p. m.

Most of the Chinese fled towards the eastern part of "Chinatown." Some of them ran across Bitter Creek, went up directly to the opposite hill, crossing the grassy plain. Some of them went along the foot of the hill where Coal-pit No. 4 stood, to cross the creek, and by a devious route reached the opposite hill. Some of them ran up to the hill of Coal-pit No. 3, and thence winding around the hills went to the opposite hill. A few of them fled to the foot of the hill where Coal-pit No. 5 stood, and ran across the creek, and thence by a winding course to the western end of the "Whitemen's Town." But very few did this.

The Chinese who were the first to flee mostly dispersed themselves at the back hills, on the opposite bank of the creek, and among the opposite hills. They were scattered far and near, high and low, in about one hundred places. Some were standing, or sitting or lying hid on the grass, or stooping down on the low grounds. Every one of them was praying to Heaven or groaning with pain. They had been eye-witnesses to the shooting in "Chinatown," and had seen the whites, male and female, old and young, searching houses for money, household effects, or goods, which were carried across to "Whitemen's Town."

Some of the rioters went off toward the railroad of Coal-pit No. 6, others set fire to the Chinese houses. Between 4 o'clock and a little past 9 o'clock p. m. all the camp houses belonging to the coal company and the Chinese huts had been burned down completely, only one of the company's camp houses remaining. Several of the camp houses near Coal-pit No. 6 were also burned, and the three Chinese huts there were also burned. All the Chinese houses burned numbered seventy-nine.

Some of the Chinese were killed at the bank of Bitter Creek, some near the railroad bridge, and some in "Chinatown." After having been killed, the dead bodies of some were carried to the burning buildings and thrown into the flames. Some of the Chinese who had hid themselves in the houses were killed and their bodies burned; some, who on account of sickness could not run, were burned alive in the houses. One Chinese was killed in "Whitemen's Town" in a laundry house, and his house demolished. The whole number of Chinese killed was twenty-eight and those wounded fifteen.

The money that the Chinese lost was that which in their hurry they were unable to take with them, and consequently were obliged to leave in their houses, or that which was taken from their persons. The goods, clothing, or household effects remaining in their houses were either plundered or burned.

When the Chinese fled to the different hills they intended to come back to "Chinatown" when the riot was over, to dispose of the dead bodies and to take care of the wounded. But to their disappointment, all the houses were burned to ashes, and there was then no place of shelter for them; they were obliged to run blindly from hill to hill. Taking the railroad as their guide, they walked toward the town of Green River, some of them reaching that place in the morning, others at noon, and others not until dark. There were some who did not reach it until the 4th of September. We feel very thankful to the railroad company for having telegraphed to the conductors of all its trains to pick up such of the Chinese as were to be met with along the line of the railroad and carry them to Evanston.

On the 5th of September all the Chinese that had fled assembled at Evanston; the native citizens there threatened day and night to burn and kill the Chinese. Fortunately, United States troops had been ordered to come and protect them, and quiet was restored. On the 9th of September the United States Government instructed the troops to escort the Chinese back to Rock Springs. When they arrived there they saw

only a burnt tract of ground to mark the sites of their former habitations. Some of the dead bodies had been buried by the company, while others, mangled and decomposed, were strewn on the ground and were being eaten by dogs and hogs. Some of the bodies were not found until they were dug out of the ruins of the buildings. Some had been burned beyond recognition. It was a sad and painful sight to see the son crying for the father, the brother for the brother, the uncle for the nephew, and friend for friend.

By this time the most of the Chinese have abandoned the desire of resuming their mining work, but inasmuch as the riot has left them each with only the one or two torn articles of clothing they have on their persons, and as they have not a single cent in their pockets, it is a difficult matter for them to make any change in their location. Fortunately, the company promised to lend them clothing and provisions, and a number of wagons to sleep in. Although protected by Government troops, their sleep is disturbed by frightful dreams, and they cannot obtain peaceful rest.

Some of the rioters who killed the Chinese and who set fire to the house could be identified by the Chinese, and some not. Among them the two women heretofore mentioned, and who killed some Chinese, were specially recognized by many Chinese. Among the rioters who robbed and plundered were men, women, and children. Even the white woman who formerly taught English to the Chinese searched for and took handkerchiefs and other articles.

The Chinese know that the white men who worked in coal-pit No. 1 did not join the mob, and most of them did not stop work, either. We heard that the coal company's officers had taken a list of the names of the rioters who were particularly brutal and murderous, which list numbered forty or fifty.

From a survey of all the circumstances, several causes may be assigned for the killing and wounding of so many Chinese and the destruction of so much property:

(1) The Chinese had been for a long time employed at the same work as the white men. While they knew that the white men entertained ill-feelings toward them, the Chinese did not take any precautions to guard against this sudden outbreak, inasmuch as at no time in the past had there been any quarrel or fighting between the races.

(2) On the 2d day of September, 1885, in coal-pit No. 6, the white men attacked the Chinese. That place being quite a distance from Rock Springs, very few Chinese were there. As we did not think that the trouble would extend to Rock Springs, we did not warn each other to prepare for flight.

(3) Most of the Chinese living in Rock Springs worked during the daytime in the different coal mines, and consequently did not hear of the fight at coal-pit No. 6, nor did they know of the armed mob that had assembled in "Whitemen's town." When 12 o'clock came everybody returned home from his place of work to lunch. As yet the mob had not come to attack the Chinese; a great number of the latter were returning to work without any apprehension of danger.

(4) About 2 o'clock the mob suddenly made their appearance for the attack. The Chinese thought that they had only assembled to threaten, and that some of the company's officers would come to disperse them. Most of the Chinese, acting upon this view of the matter, did not gather up their money or clothing, and when the mob fired at them they fled precipitately. Those Chinese who were in the workshops, hearing of the riot, stopped work and fled in their working clothes, and did not have time enough to go home to change their clothes or to gather up their money. What they had left at home was either plundered or burned.

(5) None of the Chinese had fire-arms or any defensive weapons, nor was there any place that afforded an opportunity for the erection of a barricade that might impede the rioters in their attack. The Chinese were all like a herd of frightened deer that let the huntsmen surround and kill them.

(6) All the Chinese had on the 1st of September bought from the company a month's supply of provision and the implements necessary for the mining of coal. This loss of property was therefore larger than it would be later in the month.

We never thought that the subjects of a nation entitled by treaty to the rights and privileges of the most favored nation could, in a country so highly civilized like this, so unexpectedly suffer the cruelty and wrong of being unjustly put to death, or of being wounded and left without the means of cure, or of being abandoned to poverty, hunger, and cold, and without the means to betake themselves elsewhere.

To the great President of the United States, who, hearing of the riot, sent troops to protect our lives, we are most sincerely thankful.

In behalf of those killed or wounded, or of those deprived of their property, we pray that the examining commission will ask our minister to sympathize, and to endeavor to secure the punishment of the murderers, the relief of the wounded, and compensation for those despoiled of their property, so that the living and the relatives of the dead will be grateful, and never forget his kindness for generations.

Hereinabove we have made a brief recital of the facts of this riot, and pray your honor will take them into your kind consideration.

[Here follow the signatures of 559 Chinese laborers, resident at Rock Springs, Wyo.]

List of killed.

[Investigation made by Huang Sih Chuen, Chinese consul at New York, of the Chinese examining commission of Chinese laborers killed at Rock Springs, Wyoming Territory, September 2, 1885.]

The said Huang Sih Chuen submitted the following report:

I examined the dead bodies of the following Chinese laborers killed at Rock Springs:

1. The dead body of Leo Sun Tsung, found in his own hut in the native settlement, was covered with many wounds. The left jaw-bone was broken, evidently by a bullet. The skin and bone of the right leg below the knee were injured. I also ascertained that the deceased was 51 years old, and had a mother, wife, and son living at home (in China).

2. The dead body of Leo Kow Boot was found between mines Nos. 3 and 4, at the foot of the mountain. The neck was shot through crosswise by a bullet, cutting the windpipe in two. I also ascertained that the deceased was 24 years old. His family connections have not yet been clearly made known.

3. The dead body of Yii See Yen was found near the creek. The left temple was shot by a bullet, and the skull broken. The age of the deceased was 36 years. He had a mother living at home (in China).

4. The dead body of Leo Dye Bah was found at the side of the bridge, near the creek, shot in the middle of the chest by a bullet, breaking the breast bone. I also ascertained that the deceased was 56 years old, and had a wife, son, and daughter at home.

5. The dead body of Choo Bah Quot was found in the hut adjoining camp No. 34, together with the remains of Lor Han Lung. The front part of the body was not injured, but the flesh on the back was completely gone, and the bones were scorched; the hair was also burned off. I also ascertained that the deceased was 23 years old, and had parents living at home.

The above five bodies were found more or less mutilated.

6. A portion of the dead body of Sia Bun Ning was found in a pile of ashes in the hut near the Chinese temple. It consisted of the head, neck, and shoulders. The two hands, together with the rest of the body below the chest, were completely burned off. I also ascertained that the deceased was 37 years old, and had a mother, wife, son, and daughter living at home.

7. A portion of the dead body of Leo Lung Hong was found in a pile of ashes in hut adjoining camp No. 27. It consisted of the head, neck, and breast. The two hands, together with rest of body below the waist, were burned off completely. I also ascertained that deceased was 45 years old, and had a wife and three sons living at home.

8. A portion of the dead body of Leo Chih Ming was found in a pile of ashes in the hut of the deceased near the temple where the remains of Liang Tsun Bong and Hsu Ah Cheong were found. It consisted of the head and chest. The hands, together with the rest of the body below the waist, were burned off completely. I also ascertained that deceased was 49 years old, and had a mother, wife, and son living at home; also another son working with him in the coal mines.

9. A portion of the dead body of Liang Tsun Bong was found in a pile of ashes in the hut near the temple where the deceased, together with Leo Chih Ming and Hsu Ah Cheong, had lived. It consisted of the head, shoulders, and hands. The rest of the body below the chest was burned off completely. The age of the deceased was 42 years. He had a wife and two sons living at home.

10. A portion of the dead body of Hsu Ah Cheong was found in a pile of ashes in the hut near the temple where the deceased, together with Leo Chih Ming and Liang Tsun Bong, had lived. It consisted of the skull bone, the upper and lower jaw bones and teeth. I also ascertained that the deceased was 32 years old, and had parents, wife, and son living at home.

11. A portion of the dead body of Lor Han Lung was found in the hut adjoining No. 34, where the remains of Choo Bah Quot was also found. It consisted of the sole and heel of the left foot. The rest of the body was completely burned. I also ascertained that the deceased was 32 years old, and had a mother, wife, son, and daughter, all living at home.

12. A portion of the dead body of Hoo Ah Nii was found in a pile of ashes in his own hut. It consisted of the right half of a head and the backbone. The rest of the body was completely burned. I also ascertained that the deceased was 43 years old, and had a wife living at home.

13. A portion of the dead body of Leo Tse Wing was found in a pile of ashes in the hut adjoining camp No. 14. It consisted of the bones of the lower half of the body, ex-

tending from hip to foot. The rest of the body was burned off completely. I also ascertained that the deceased was 39 years old. His family connection has not yet been clearly made known.

The last-named eight dead bodies were found partly destroyed by fire.

The following 15 persons were killed: Leo Jew Foo, Leo Tim Kwong, Hung Qwan Chuen, Tom He Yew, Mar Tse Choy, Leo Lung Siang, Yip Ah Marn, Leo Lung Hon, Leo Lung Hor, Leo Ah Tsun, Leang Ding, Leo Hoy Yat, Yuen Chin Sing, Hsu Ah Tseng, and Chun Quan Sing. Twelve fragments of bones, belonging to twelve of the above-named persons, were found in twelve different places in the Chinese settlement. No trace of the remaining three persons was found.

I also ascertained that the age of Leo Jew Foo was 35 years; he had a mother at home. Leo Tim Kwong was 31 years; family connection not known. Hung Qwan Cheun was 42 years; he had a father at home. Tom He Yew was 34 years; he had a mother, wife, and daughter at home. Mar Tse Choy was 34 years; he had parents, wife, and daughter at home. Leo Lung Siang was 36 years; he had a wife at home. Yip Hor Marn was 38 years; he had a father, wife, son, and daughter at home. Leo Lung Hon was 41 years; he had a wife, son, and daughter at home. Leo Lung Hor was 44 years; he had a wife, and two sons at home. Leo Ah Tsun was 36 years; he had a mother at home. Liang Ding was 41 years; family connection not yet known. Leo Hoy Yat was 25 years; he had parents at home. Yuen Chun Sing was 36 years; he had a mother at home. Hsu Ah Tseng was 26 years; he had a mother at home. Chun Quan Sing was 39 years; he had a mother at home. Total number of killed, 28.

List of wounded.

[Investigation made by Huang Sih Chuen, consul at New York, of the Chinese Examining Commission, of Chinese laborers wounded at Rock Springs, Wyoming Territory, September 2, 1885.]

The said Huang Sih Chuen reported as follows: On the 19th and 20th of September, 1885, I investigated and found the following Chinese laborers wounded at Rock Springs, W. T.:

(1) Leo Kwong Ning was wounded in the back below his right shoulder by a bullet, causing a deep wide wound. The bullet could not be extracted. Fatal result is feared.

(2) Lee Sing Yip was wounded in the back on the right shoulder by a bullet, piercing through from the back to the front, below the shoulder. The shoulder bone was broken and the wound badly inflamed. Fatal result is feared.

(3) Lee Ah Hok was wounded in the upper part of his right leg by a bullet piercing through from back to front. The bone was broken, the wound deep and wide, badly inflamed, and difficult to be healed. He was unable to stand up and the loss of the entire use of his right leg is feared.

(4) Won Yin Sung was wounded below his left knee by a bullet piercing through from back to front, breaking the bone. The wound was badly inflamed and difficult to be healed. He could not walk, the left leg being entirely useless to him.

(5) Lee Hok Sing was wounded in the upper part of his right leg by a bullet piercing through from right to left. The bone of the leg was fractured; the wound deep and wide; hard to be healed. The loss of the entire use of the leg is feared.

(6) Lor Hong Hoon was wounded in the upper part of the left arm by a bullet piercing through from right to left. The bone was broken, the wound badly inflamed, and difficult to be healed. He was unable to move his left arm. The loss of the use of it is feared.

(7) Lor Sun Kit was wounded in the right side of his backbone by a bullet, piercing from the back through the right side. The right arm was also wounded. The bullet was extracted by a native doctor. These two wounds were not yet healed, but badly inflamed.

(8) Leo Duck Yun was wounded in the right leg by a gunshot. The bullet could not be extracted.

(9) Leo Yip Sun was wounded in the right shoulder by a bullet piercing through from the back to the front below the shoulder. The wound was not yet healed.

(10) Leo Mun Yip was shot through in the palm of his right hand by a bullet. The wound was not yet healed.

(11) Lor See Duck was wounded in the spine below the waist by a gunshot. The bullet was extracted, but the wound not yet healed.

(12) Leo Lung Ming was wounded in the scalp, both sides of the forehead, the right temple, the right and left sides below the nipples, and the part below the right knee. These wounds were deep, with bones exposed. He also received a wound on the left cheek-bone and one on the right thumb. All the above wounds appear to have been inflicted by iron implements. They were all being slowly healed with the exception of the right knee, which was very seriously injured.

(13) Leo Kung Kwong was wounded in the right temple by iron implements. The bone was exposed, but the wound was gradually being healed.

(14) Leo Gar Kwong was wounded in the left forehead apparently by a wooden cane. The wound was slowly being healed.

(15) Leo Ah Go was wounded in the left cheek-bone and the part below the left eye by stones. The wounds were already healed.

Estimate of property losses, made by the commission, sustained by the Chinese residents in their respective camps at Rock Springs, Wyoming Territory, September 2, 1885.

CAMP No. 2.		CAMP No. 5.	
	Estimated loss.		Estimated loss.
1. Lin Pah Cheong	\$25 00	35. Liang Ah Bing	\$212 65
2. Chang Foo Mow	47 00	36. Liang Ah Yun	91 35
3. Chang Chay Sing	38 00	37. Liang Ah Whay	97 20
4. Tung Gar Jok	43 75	38. Liang Ah Choy	67 25
5. Tom Tin Ying	34 75	39. Ow Ah Yii	72 25
6. Leo Ah Cheong	17 00	40. Woo Ah Dye	55 75
7. Hung Quan Chuen (killed)	532 25	41. Liang Ah Nung	80 50
8. Tom Hee Yow	423 70	42. Liang Day Ying	117 00
9. Mar Tse Choy	115 75	43. Liang Ah Yik	72 00
10. Liang Tung	220 00	44. Liang Ah Hoon	92 85
11. Property owned in common by persons in Camp No. 2	268 95	45. Low Hing Kwang	109 75
		46. Cheng Ah Sum	101 50
		47. Property owned in common by persons of Camp No. 5	221 85
Total	1,766 15	Total	1,391 90
CAMP No. 3.		CAMP No. 6.	
12. Leo Lung Hop	196 00	48. Leo Sun Lung	46 50
13. Leo Lung Yu	133 50	49. Leo Kway Wah	73 50
14. Leo Kwong Yit	139 00	50. Leo Yeh Yung	212 15
15. Leo Ying Sing	114 50	51. Leo Sing He	34 50
16. Leo Ah Sow	120 25	52. Leo Ying Lung	251 50
17. Leo Hin Wing	133 50	53. Leo Lung Ho	198 50
18. Leo Lung Hong (killed)	200 00	54. Leo Lin Ngok	80 50
19. Leo Lung Ming (wounded)	243 50	55. Leo Tsing Lung	50 00
20. Leo Gar Kwong (wounded)	180 70	56. Property owned in common by persons of Camp No. 6	187 00
21. Leo Kwong Ning (wounded)	119 00		
22. Property owned in common by persons of Camp No. 3	219 40	Total	1,134 15
Total	1,799 35	CAMP No. 7.	
CAMP No. 4.		57. Leo Chee Boo	387 80
23. Leo Quan Kwong	223 40	58. Bah Ah Wong	129 50
24. Leo Hung Hoo	101 50	59. Leo Wing Sung	758 80
25. Leo Win Kwong	178 15	60. Leo Duck Yun (wounded)	82 00
26. Leo Ah See	51 25	61. Leo Sun Oy	384 10
27. Leo Ah Hor	28 50	62. Leo Sun Tu	168 75
28. Leo Kwong Hoo	126 45	63. Leo Chong Kwun	114 20
29. Wong Foo Teen	211 50	64. Leo Bong Duck	227 70
30. Leo Sun King	61 00	65. Low Kwong Ming	160 25
31. Leo Hin Ying	194 05	66. Low Chay Heong	123 00
32. Leo Kwang Sung	42 45	67. Property owned in common by persons of Camp No. 7	258 20
33. Leo Won Yit	85 20		
34. Property owned in common by persons of Camp No. 4	277 40	Total	2,794 30
Total	1,580 85		

Estimate of property losses, made by the commission, sustained by the Chinese, &c.—Continued.

CAMP No. 8.		CAMP No. 12.	
	Estimated loss.		Estimated loss.
68. Leo Jun Kwong	\$207 25	109. Chang Lien	\$95 00
69. Leo Kwong Ho	244 25	110. Chang Kway Tse	109 75
70. Leo Tsun Sung	193 45	111. Chang Bing Nging	67 50
71. Leo Hin Sow	144 20	112. Chun Hoon Wah	244 90
72. Leo Liang Ning	112 50	113. Chun Sum	190 60
73. Leo Kwong Kun	265 50	114. Chun Gok Ying	80 65
74. Leo Kwong Kin	572 70	115. Chun Ping On	51 30
75. Property owned in common by persons of Camp No. 8	272 10	116. Lum Yeen Kwong	48 00
Total	2,011 95	117. Low Hok See	131 50
		118. Chang Bing Tse	131 50
		119. Chang Pahn Kway	67 75
		120. Property owned in common by persons of Camp No. 12	175 00
		Total	1,393 45
CAMP No. 9.		CAMP No. 13.	
76. Leo Kwong Heung	241 50	121. Wong Chung Young	145 00
77. Leo Kwong Chow	94 00	122. Leo Jik Hing	164 00
78. Leo Wah Choy	343 15	123. Chun Kung Yik	135 75
79. Leo Choy Shui	64 00	124. Hor Ar Chi	117 95
80. Leo Sih Hin	289 50	125. Wong Chiu Jan	238 50
81. Leo Tse Nung	90 50	126. Chun Sing Yik	221 10
82. Leo Kwung Yee	120 00	127. Tung Cheong Wah	90 25
83. Leo Joke Yow	104 70	128. Chun Teen Wah	94 35
84. Leo Ah But	377 55	129. Property owned in common by persons of Camp No. 13	208 15
85. Leo Tung Sing	386 00	Total	1,415 05
86. Choo Hon Dye	285 25		
87. Property owned in common by persons of Camp No. 9	195 70		
Total	2,594 85		
		CAMP No. 14.	
		130. Wong Hoo Yen	157 00
		131. Wong Chip	85 40
		132. Wong On	69 00
		133. Wong Hing	87 40
		134. Wong King Kwun	245 20
		135. Wong Cheong Duck	111 50
		136. Won Mun On	127 50
		137. Wong Ho	96 80
		138. Leo Sit Kwong	117 60
		139. Chun Ah Yong	88 00
		140. Chun Sung Leong	172 50
		141. Leo Lung Kin	465 85
		142. Chun Lin Poon	222 95
		143. Wong Yip Tsun	987 75
		144. Wong Ah Ye	123 25
		145. Lor Chay Tsung	61 50
		Total	3,221 20
		CAMP No. 15.	
		146. Leo Bah Ho	75 85
		147. Leo Seh Kwong	268 45
		148. Leo Seh Tsun	123 75
		149. Leo Chee Nii	106 50
		150. Leo Seh Kwong	257 50
		151. Leo Hoon Duck	217 00
		152. Property owned in common by persons of Camp No. 15	119 40
		Total	1,168 45
CAMP No. 10.			
88. Lee Fow	59 25		
89. Chang Hoh Ching	61 25		
90. Lee Wah Yun	44 25		
91. Lee Ah Sin	39 00		
92. Jang Kin Tsung	74 50		
93. Lee Yu	62 30		
94. Lee Bah Nii	53 50		
95. Jang Lan Yoke	74 50		
96. Property owned in common by persons of Camp No. 10	199 80		
Total	668 35		
		CAMP No. 11.	
97. Leo Wing Yee	177 70		
98. Leo Ing Mow	93 00		
99. Leo Wing Siang	67 10		
100. Leo Sung Gok	144 91		
101. Leo Yu Choy	117 90		
102. Leo Chung Sun	115 45		
103. Leo Wing Kiong	114 80		
104. Leo Ing Ngok	86 00		
105. Leo Lun Tse	236 20		
106. Chun Hook	305 50		
107. Leo Goon Nii	236 20		
108. Property owned in common by persons of Camp No. 11	174 80		
Total	1,869 56		

Estimate of property losses, made by the commission, sustained by the Chinese, &c.—Continued.

CAMP No. 22—Continued.		CAMP No. 25—Continued.	
	Estimated loss.		Estimated loss.
244. Lor Chay Shui	\$70 45	289. Ng Sam Hing	\$69 85
245. Lor Hin Mook	88 25	290. Wong Hook Sow	95 85
246. Lor Tsii Lun	103 25	291. Property owned in com-	
247. Lor Hin	63 50	mon by persons of Camp	
248. Lor Kuay Yun	89 00	No. 25	252 45
249. Won Hook Yan	90 40	Total	1,091 10
250. Lor Goon Hoo	117 05		
251. Lor Bah Tse	146 30	CAMP No. 26.	
252. Lor Loy	74 70	292. Lee Chay Hien	30 60
253. Tom Sam Chay	95 90	293. Lee Teen Sik	89 95
254. Lor Won Kay	89 45	294. Pang Gar Hoo	76 50
255. Property owned in com-		295. Lee Bing Yen	74 50
mon by persons of Camp		296. Lee Ah Hor	81 50
No. 22	131 10	297. Lee Ah Goon	52 25
Total	1,893 50	298. Lee Gut Hing	72 00
		299. Lee Tsun Inn	84 50
CAMP No. 23.		300. Yii On	26 00
256. Lor Ngan Jay	46 50	301. Property owned in com-	
257. Ngan Chung Gum	44 55	mon by persons of Camp	
258. Leo Yun Choy	83 85	No. 26	447 00
259. Leo Tse Yew	51 75	Total	1,034 85
260. Leo Gum Kwong	88 95		
261. Lor Lun Tse	55 25	CAMP No. 27.	
262. Leo Sun Jim	360 50	302. Leò Lee Hop	50 25
263. Leo Son Hung	79 50	303. Leo Liang Kwong	85 25
264. Yip Ah Marn (killed)	270 00	304. Leo Ah Bah	66 25
265. Property owned in com-		305. Leo Mun Sing	255 00
mon by persons of Camp		306. Leo Hung Yim	141 00
No. 23	256 10	307. Leo Kwong Kin	199 50
Total	1,336 95	308. Leo Lung Bah	196 50
		309. Lee Hoo Kwong	115 00
CAMP No. 24.		310. Leo Kee Tsun	123 25
266. Lee Ah Hoon	31 25	311. Leo Tseng Kwong	174 00
267. Lee Sun Yow	83 65	312. Leo Fu Sing	106 00
268. Loc Yee Lun	62 50	313. Leo Lung Jan	236 00
269. Lee Lay Kii	67 70	314. Leo Hin Niin	96 00
270. Yii See Yeu (killed)	224 70	315. Leo Kee Bong	58 50
271. Lee Sing Yip (wounded)	127 25	316. Leo Ah Tse	46 00
272. Ng Ngii Sing	55 50	317. Choy Kih Tong	45 25
273. Lee Ceong Sing	76 45	318. Leo Lung Bee	31 00
274. Lee Pah Choy	48 75	319. Leo Sin Hin	31 00
275. Lee Sing Yik	61 25	320. Leo Sun Juk	47 00
276. Wong Jan Hin	45 00	321. Leo Kwong Chart	73 50
277. Tom Cow Tsun	77 75	322. Leo Hip Sun (wounded)	150 00
278. Lee Hung Sing	77 75	323. Property owned in com-	
279. Ngay Yow Yang	104 65	mon by persons of Camp	
280. Lee Sing Tsun	77 50	No. 27	167 25
281. Property owned in com-		Total	2,489 50
mon by persons of Camp			
No. 24	459 85	CAMP No. 28.	
Total	1,681 50	324. Tseng Bah Cheong	59 35
		325. Liang Ah Ho	58 25
CAMP No. 25.		326. Chew Sung	34 40
282. Ng Gee Hok	147 75	327. Low Ah Way	75 50
283. Wong Lin Sing	85 65	328. Lie Ah Ing	48 85
284. Tsung Shii Chew	46 40	329. Hoo Wor Sien	76 70
285. Wong Nam	109 30	330. Hoo Ah Kun	105 80
286. Leo Hung Chat	100 00	331. Hoo Wor Jay	148 00
287. Ng Siang Yee	84 35		
288. Ng Dye Hook	99 50		

Estimate of property losses, made by the commission, sustained by the Chinese, &c.—Continued.

CAMP No. 28—Continued.

	Estimated loss.
332. Hoo Ah Jing-----	\$101 00
333. Property owned in common by persons of Camp No. 28-----	254 90
Total-----	962 85

CAMP No. 29.

334. Yang Chay Yeong-----	71 00
335. Ow Ah Cheong-----	135 50
336. Yan Ping Won-----	48 75
337. Choo Kin Hung-----	190 45
338. Ng Sing Nung-----	86 00
339. Ng Cheong Dye-----	56 50
340. Ng Seh Keong-----	40 25
341. Ng E. Hing-----	38 40
342. Chung Sing-----	44 00
343. Choo Tsun Mun-----	98 95
344. Choo Lin For-----	93 65
345. Property owned in common by persons of Camp No. 29-----	378 55
Total-----	1,282 00

CAMP No. 30.

346. Lor Chung Hing-----	110 00
347. Soo Yew-----	62 50
348. Cho Ah Tsung-----	142 00
349. Yang Hoo-----	134 10
350. Kom Say-----	135 05
351. Lye Duck-----	99 75
352. Chung Gun-----	73 00
353. Lor Sun Bo-----	151 10
354. Lor Hin Ik-----	114 80
355. Sum Sing Hook-----	88 90
356. Lor Chay Inn-----	171 00
357. Lor Chay Bun-----	224 60
358. Lor Yew Chun-----	104 50
359. Lor See Duck (wounded)-----	95 00
360. Property owned in common by persons of Camp No. 30-----	163 90
Total-----	1,870 20

CAMP No. 32.

361. Tom Kung Cheong-----	80 00
362. Tom Pung Yew-----	50 00
363. Tom See Sum-----	116 00
364. Ng Hung Kwong-----	120 00
365. Tom Mun Gum-----	90 00
366. Tom Mun Niin-----	136 00
367. Tom Mun Poon-----	122 00
368. Yang Won Tsing-----	130 00
369. Property owned in common by persons of Camp No. 32-----	200 00
Total-----	1,044 00

CAMP No. 33.

	Estimated loss.
370. Loui Way Gook-----	\$133 20
371. Loui Ngee Tsun-----	151 00
372. Loui Way Yoke-----	123 25
373. Loui Ah Ing-----	75 00
374. Loui Hok Lim-----	76 75
375. Kwong Ah Hook-----	42 50
376. Lou Jan Hok-----	157 00
377. Lum Ah Nap-----	44 50
378. Ng Tse Go-----	58 50
379. Kwong Duck Poon-----	53 00
380. Lou Ah Sing-----	72 50
381. Property owned in common by persons of Camp No. 33-----	229 80
Total-----	1,217 00

CAMP No. 34.

382. Chun Ah Bo-----	85 00
383. Moy Ah Choy-----	104 00
384. Choo Tsow-----	825 00
385. Choo Kwong Tim-----	113 80
386. Lum Lup Lin-----	50 75
387. Lor Wor Hing-----	107 45
388. Choo Hoon-----	53 75
389. Lor Poon Cheong-----	119 50
390. Tsung Gun Chung-----	117 30
391. Lor Wah Et-----	55 80
392. Leo Chee Day-----	94 15
393. Lor Hong Hoon (wounded)-----	67 50
394. Choo Yai Duck-----	212 20
395. Wong Chung-----	109 45
396. Choo Nung Shui-----	133 20
397. Choo Kin Hung-----	41 25
398. Lee Cheong Lin-----	48 00
399. Lum Wing-----	33 50
400. Way Ing-----	139 85
401. Tom Hing-----	145 45
402. Chun Sang Wah-----	157 50
Total-----	2,814 40

CAMP No. 35.

403. Hsu Chee Pie-----	160 75
404. Hsu Chee Moon-----	152 00
405. Hsu Ah Kum-----	99 75
406. Hsu Sum Jay-----	103 20
407. Hsu Ah Tsun-----	52 00
408. Hsu Ah Sut-----	199 75
409. Low Hok Jan-----	69 50
410. Hsu Seh Poo-----	107 75
411. Tung Lung-----	105 20
412. Low Chow-----	74 25
413. Property owned in common by persons in Camp No. 35-----	295 10
Total-----	1,419 45

CAMP No. 36.

414. Mac Hoy Kum-----	157 25
415. Gok Ah Mong-----	54 75

INDEMNITY TO CERTAIN CHINESE SUBJECTS.

Estimate of property losses, made by the commission, sustained by the Chinese, &c.—Continued.

CAMP No. 36—Continued.

	Estimated loss.
416. Lee Won Inn	\$135 55
417. Ng Ah Sik	82 15
418. Le Ah Chii	98 75
419. Le Ah Seang	55 75
420. Wong Ah Chow	80 25
421. Kwong See Dick	63 25
422. Chun Quan Sing (killed)	135 00
423. Property owned in common by persons in Camp No. 36	230 64
Total	1,093 34

CAMP No. 40.

424. Lee Yow Sung	177 80
425. Lee Seh Chung	155 50
426. Lee Mun Poy	133 25
427. Lee Yick Sow	153 85
428. Lee Chav Nii	127 50
429. Sun Ng Choy	151 80
430. Ip Nii Im	86 50
431. Lee Say Fat	101 25
432. Lee Lin Hook	138 35
433. Lee Hoon Yin	141 20
434. Lee Bo Hoo	109 75
435. Lum Chee Ngok	84 80
436. Lee Tseng Yin	137 00
437. Property owned in common by persons of Camp No. 40	380 25
Total	2,178 80

CAMP No. 41.

438. Lee Hung Yow	149 00
439. Lee Nging	213 75
440. Won Yin Sung (wounded)	174 50
441. Won Tun Kwong	112 10
442. Won Hok Sum	519 70
443. Leo Bing Lung	187 40
444. Leo Sun Boo	137 00
445. Ching Loy Hin	135 50
446. Leo Yim Kwong	353 50
447. Property owned in common by persons in Camp No. 41	207 45
Total	2,189 90

CAMP No. 43.

448. Lee Kung Won	67 00
449. Leo Mun Wing	71 10
450. Leo Lung Cheong	259 75
451. Leo Chay Wah	98 60
452. Leo Seh Ho	53 50
453. Cho Cheong Tsung	75 80
454. Leo Kow Boot (killed)	764 00
455. Property owned in common by persons of Camp No. 43	244 70
Total	1,634 45

CAMP No. 47.

	Estimated loss.
456. Lor Hing See	\$63 50
457. Wong Chay Heong	63 25
458. Lee Wor Yin	108 00
459. Kwan Kok Gin	162 75
460. Chang Chay Ngok	49 00
461. Chan Gung Yow	100 75
462. Wong Ah Gow	77 25
463. Fong Sung Duck	102 75
464. Fong Sow Siang	61 00
465. Property owned in common by persons of Camp No. 47	318 50
Total	1,106 75

CAMP No. 52.

466. Choy Bew Yik	88 00
467. Sit Yii Yin	24 00
468. Choy Ing Yii	26 00
469. Loui Kwun	26 00
470. Loui Way Git	72 50
471. Hsu Choc Yii	66 75
472. Chun Yin Yun	45 55
473. Chan Ah Sow	81 75
474. Loui Ah Hok	35 00
475. Choy Hong Yik	44 75
476. Choy Poy Sing	61 75
477. Choy Yang Ming	96 75
478. Choy Ing Sum	123 50
479. Hsu Ah Tsing (killed)	450 00
480. Property owned in common by persons of Camp No. 52	354 45
Total	1,596 75

CAMP No. 54.

481. Chun Ah Sow	133 90
482. Low Jan Kwong	73 00
483. Lor Ah Wor	40 80
484. Chan Ah Sing	60 75
485. Chang Ah Bing	162 75
486. Choo Bah Dat	141 25
487. Choo Yip Hway	106 00
488. Choo Bah Quot (killed)	380 00
489. Property owned in common by persons of Camp No. 54	258 30
Total	1,356 75

CAMP No. 56.

490. Choo Hook Chew	100 40
491. Choo To Sing	70 60
492. Won Tsun Ik	79 00
493. Choo Buck Kwong	131 00
494. Choo Shii Gun	117 30
495. Choo Kwong Kin	124 70
496. Choo Kung Sun	133 75

Estimate of property losses, made by the commission, sustained by the Chinese, &c.—Continued.

CAMP No. 56—Continued.		CAMP No. 58—Continued.	
	Estimated loss.		Estimated loss.
497. Choo Yong	\$62 50	503. Yuen Chun Sung (killed)	\$150 00
498. Property owned in com- mon by persons of Camp No. 56	247 25	504. Leo Lung Cho	125 30
Total	1,066 50	505. Leo Chung Wor	114 75
		506. Leo Sun Gok	114 25
		507. Leo Kin Lung	147 30
		508. Property owned in com- mon by persons in Camp No. 58	259 15
		Total	1,772 50
		Grand total	69,380 55

Estimate of losses sustained by Chinese residents in their respective huts at Rock Springs, Wyoming Territory, September 2, 1885.

509. Loui Yee Tsun	\$133 50	555. Chow Yow Yen	\$336 25
510. Leo Chung Teen	66 90	556. Leo Kin Lung and Chow Yow Yen, partners	1,349 70
511. Choo Kow Yii	50 00	557. Wong Lin Gok	149 85
512. Tom Jik	139 35	558. Leo Way Sun	1,048 50
513. Leo Seh Hoo	448 50	559. Leo Sik Lung	616 50
514. Hsu Cheong Yet	67 40	560. Lum Dii Tsing	701 00
515. Hsu Kin	35 70	561. Leo Tsock Yen	989 50
516. Tom Kun Tse	277 75	562. Leo Yew Lung	1,821 10
517. Leo Shui He	182 30	563. Leo Yii Sing	161 75
518. Loui Hoc Lim	77 00	564. Leo Lung King	2,934 10
519. Leo Kwong Lun	234 45	565. Liang Sing Hee	1,344 25
520. Leo Lung Yun	348 00	566. Leo Hin Yong	1,319 25
521. Leo Oy Yii	311 00	567. Chun Chin Cheong	62 50
522. Leo Gut Yii	369 40	568. Leo Yik Tse	1,204 85
523. Leo Wong Kee	370 00	569. Low Chung	81 50
524. Leo Kwon Yun	537 00	570. Leo Yun Kwong	414 75
525. Yong Yun	243 00	571. Leo Wing Sun	137 00
526. Chum Sing Ip	154 50	572. Low Lung	134 10
527. Leo Lung Kwong and Leo Wah Kum, partners	1,874 70	573. Leo Me Kwong	73 80
528. Leo Hook Quan	1,891 10	574. Leo Chay Ng	428 70
529. Hsu Lin Sam	89 00	575. Leo Hook Ko	138 50
530. Ng Kwun Sing	68 00	576. Hsu Zay Choo	46 00
531. Tong Ah Cheong	191 80	577. Leo Wing You	575 50
532. Leo Sun Yip	171 25	578. Leo Kew Lung	170 44
533. Leo Kwong Teen	330 45	579. Leo Yet Sun	396 00
534. Loui Seh Bong	60 00	580. Leo Yik Lung	90 25
535. Ngan Chee	139 65	581. Leo Kwong Nom	177 20
536. Leo Kwong Hoon	197 75	582. Leo Ting Kwong	355 50
537. Lor Say Ho	94 00	583. Leo Lung Gut	55 50
538. Low Chay Wong	666 50	584. Lum Wing Gut	108 50
539. Low Sow Ping	225 75	585. Low Ng	35 00
540. Leo Lung Teen	80 00	586. Leo Chee Bong	181 50
541. Leo Lung Kway	146 00	587. Leo Sun Soy	343 60
542. Leo Hin Nung	183 50	588. Lee Sing	66 50
543. Leo Ah Chay	64 25	589. Leo Sing Gee	91 25
544. Lee Chay Geen	35 50	590. Leo Sung Sai	60 35
545. Leo Kwong Yong	2,122 10	591. Leo Kong Kwong	154 50
546. Leo Tim Tsung	39 00	592. Leo Wing Joke	189 80
547. Leo Sing Gut	144 30	593. Leo Wing Chang	313 00
548. Leo Chun Kwong	563 10	594. Leo Wing Chee	238 00
549. Leo Wing Sung	447 70	595. Leo Wing Liang	428 50
550. Leo Tse	476 85	596. Leo Kum Yen	172 00
551. Leo Nip Sun	2,325 15	597. Leo Bah Lum	296 00
552. Leo Buck Way	509 05	598. Leo Kwong Ning	257 40
553. Leo Bing Gee	448 50	599. Leo Kwong Book	120 50
554. Leo Lung Ngan	515 10	600. Leo Quan Ding	69 50

Estimate of losses sustained by Chinese residents in their respective huts, &c.—Continued.

601. Leo Quong Bo	\$148 00	669. Leo Gong Wah	\$167 75
602. Leo Jup Hok	93 75	670. Leo Kwong Kien	164 75
603. Leo Quong Sum	86 25	671. Leo Wah Siang	394 50
604. Leo Wing Kwong	38 75	672. Chan Way	83 75
605. Soo Ah Jik	42 00	673. Ngog Kin Sing	185 00
606. Lee Chew Nam	48 50	674. Leo Sun Sing	96 00
607. Leo Kwong Fat	970 50	675. Leo Hoy Ming	305 10
608. Loui Cheong Dye	29 00	676. Tong Kay Jock	11 25
609. Leo Nom Sow	117 25	677. Leo Sun Lee	430 75
610. Kwong Yin Hin	36 50	678. Leo Hin Wing	300 00
611. Hsu Jay Chee	89 50	679. Leo Chay Hoon	264 50
612. Hsu Ah Ing	51 25	680. Leo My	107 70
613. Look Ah Tsung	238 50	681. Leo Mun Fat	79 15
614. Mar Moy	164 85	682. Leo Mun Sing	59 85
615. Low Wong Hok	176 05	683. Leo King Lung	308 75
616. Leo Chum See	208 25	684. Tom Won	71 50
617. Choo Chay Sing	257 75	685. Leo Teen Siang	367 25
618. Leo Yin On	47 50	686. Chun Hoy Gock	144 75
619. Choo Ping Cheong	116 40	687. Low Chee Sing	208 80
620. Tung Seh Sun	251 50	688. Leo Kwong Ing	85 50
621. Leo Fan Lee	187 45	689. Leo Lit Kwong	144 10
622. Leo Mun Gwin	145 75	690. Leo Tsun Lung	259 95
623. Leo Lung Jik	402 75	691. Leo Lung Kwong	64 00
624. Leo Ting Yew	117 35	692. Hung Ah Hin	134 00
625. Leo Seh Kin	110 00	693. Leo Hoo Sun	351 50
626. Leo Seh Dat	43 75	694. Leo Tsun Kwong	209 25
627. Leo Seh Tim	123 75	695. Low Ah Wood	533 45
628. Choo Ngok Yun	107 70	696. Leo Joo Hing	123 50
629. Chung Hook Tse	143 35	697. Leo Wing Moon	1,771 95
630. Low Ting But	152 75	698. Tom Sun	219 55
631. Low Way Chee	60 75	699. Ng Yow	168 50
632. Low Yip	43 00	700. Tom See Cheong	92 95
633. Leo Sing Yong	870 00	701. Leo Chang Lup	852 70
634. Tong He	105 50	702. Leo Yet Sum	148 40
635. Leo Chung Nii	64 00	703. Chun Lor Fong	79 75
636. Leo Kwan Cheong	307 80	704. Chun Linn Hoo	154 95
637. Leo Kwong Sye	108 70	705. Leo Fong Nim	162 50
638. Leo Sun Hon	175 10	706. Tom Hoy Yen	43 00
639. Tong Chee Heong	86 25	707. Yii Day On	95 30
640. Lum Wor	138 25	708. Choo Yun Yee	67 00
641. Tong Ding Poon	147 40	709. Leo Yut Cheong	170 00
642. Choo Ah Wor	56 50	710. Leo Seh Jay	300 00
643. Leo Ah Sow	877 25	711. Leo Kwun	3,317 50
644. Tong Ding Yew	120 60	712. Leo Sow Kway	433 10
645. Leo Kung Ho	169 00	713. Wong Woon Ho (woman)	150 50
646. Tong Ah Lum	101 50	714. Leo Gok Kwong	394 50
647. Liang Sin	68 00	715. Leo Sing Lit	532 00
648. Ng Lin Tin	142 60	716. Leo Yoke Kwong	732 50
649. Tong Seh Kum	72 45	717. Leo Loy Kiang	246 70
650. Mac Wing Yum	183 00	718. Leo Kwong Cheong	217 25
651. Leo Knung Sik	179 20	719. Leo Hin Yin	114 50
652. Tong He Ngok	75 00	720. Won Sum	346 10
653. Loui Ho	80 80	721. Leo Kwong Wing	209 00
654. Leo Yii Lup	62 16	722. Yii Cheong	34 00
655. Choo Ngar Cheong	250 95	723. Leo Sun Hung	126 20
656. Tong Kee Yong	112 50	724. Leo Hung Kum	534 80
657. Lee Sin Yeong	279 00	725. Leo Duck Sun	432 50
658. Leo Kwan Bo	265 50	726. Leo Tsing Yin	180 00
659. Ng Ling Cheong	25 80	727. Leo Ah Tsun (killed)	500 00
660. Choy Hoy Chee	86 75	728. Leo Dye Bah (killed)	670 00
661. Leo Sing Lung	128 55	729. Leo Lung Hon (killed)	770 00
662. Leo Wing Ngoon	86 00	730. Leo Lung Hor (killed)	580 00
663. Chan Lung Yik	80 00	731. Leo Hoy Yat (killed)	240 00
664. Leo Yun Tse	375 30	732. Leo Sun Tsung (killed)	1,140 00
665. Ng Low Yow	161 00	733. Leo Hung Lung (killed)	210 00
666. Chun Tse Lin	91 50	734. Leo Tim Kwong (killed)	113 00
667. Leo Ah Kiihe	209 45	735. Leo Lung Siang (killed)	550 00
668. Ng Tse Chang	145 60	736. Lee Ah Hok (wounded)	93 65

Estimate of losses sustained by Chinese residents in their respective huts, &c.—Continued.

737. Lee Hook Sing (wounded)	\$79 10	755. Leo Kwong Oy-----	\$118 75
738. Leo Kung Kwong (wounded)		756. Leo Ow Kwong-----	230 85
	72 25	757. Leo Lung Way-----	49 50
739. Leo Ah Go (wounded)-----	235 25	758. Leo Yuk Kwong-----	212 50
740. Lor Sun Kit (wounded)---	343 60	759. Leo Wing Bing-----	43 95
741. Chow Choy-----	317 35	760. Leo Tse Wing (killed)---	472 00
742. Yuen Sing Hoo-----	130 95	761. Leo Chik Ming (killed)---	800 00
743. Chun Go-----	112 15	762. Liang Tsun Bong (killed)-	180 00
744. Chow Hook-----	111 10	763. Hsu Ah Cheong (killed)---	240 00
745. Chun Yee Gow-----	315 10	764. Hoo Ah Nii (killed)-----	400 00
746. Leo Lung Oy-----	294 75		
747. Yip Ah Mow-----	57 50	Residents in huts, total--	78,368 19
748. Leo Wor Shui-----	180 55	Residents in camps, total	69,380 55
749. Leo Seh Ying-----	80 35		
750. Leo Wing Ngoon-----	33 25	Grand final total-----	147,748 74
751. Leo Hoy Kee-----	30 50	(Signed,)	
752. Leo Lung Hoy-----	56 50	HUANG SIH CHUEN,	
753. Chun Nom Gok-----	78 58	<i>Consul at New York.</i>	
754. Leo Ah Hing-----	301 00		

[Inclosure No. 3.]

The Chinese indemnity claims.

In 1858 a convention was agreed upon for the adjustment of the claims of American citizens against China. The claims are described by the United States minister, Mr. Reed, as of two kinds; first, those "dating as far back as 1847 and having no relation" to the war which for two years had been carried on by Great Britain and France against China; and, second, "those originating in the pending warfare," the latter embracing much the larger amount of the claims. In describing these, Mr. Reed, in a dispatch to the Secretary of State, says: "Those arising out of the British bombardment in October do not seem to me to be strong as against the Chinese, who were the party assailed and not the assailants; and I indulge in the hope that *some remuneration may be made by the British authorities.* The property burned in the factories constituted a more meritorious class as against the Chinese. That they had a perfect right by any means to dislodge a hostile force, and in doing so to destroy the buildings occupied, is very clear. It is equally so that they were not bound to abstain from this mode of annoyance because neutral property stored there might be endangered or destroyed; but if that property is destroyed in order to make defense effectual, *the innocent sufferers must look somewhere.*" (S. Ex. Doc. 30, 36th Cong., 1st sess., p. 103.)

Mr. Cass, Secretary of State, instructed Mr. Reed to press the claim upon the Chinese Government for indemnification. The minister reports that "in the early part of the negotiations here the Chinese persevered in denying not only all responsibility on the part of the Imperial Government, but all power or inclination to control the local authorities at Canton." (Ib., p. 371.) But the English and French having dictated terms of peace, which included the recognition of their claims, Mr. Reed insisted that "if the claims for private pecuniary injury done to English or French be admitted to be binding on the Imperial Government, and not those of the United States, it will be a great wrong to those who have been friends of China." (Ib., p. 373.) Under these circumstances the convention was signed and \$735,258.97 were paid over by the Chinese Government to the American Minister, upon the faith of his representation that injuries to that amount had been suffered by citizens of the United States. A proposition to place a Chinese on the Claims Commission was rejected (Ib., p. 520-1) and no opportunity appears to have been afforded that Government to examine the evidence upon which the claims were based.

The subsequent proceedings are stated by the House Committee on Foreign Affairs to be as follows: "Under the provisions of an act of Congress two commissioners, citizens of the United States, were appointed to adjust the claims and award such sums as might be found to be justly due; their decisions to be final. The commissioners appointed were both at the time residents of China, and familiar with all the circumstances under which the claims arose. They met at Macao, in China, November 18, 1859, and concluded their labors on the 13th day of January, 1860. Upon examination all the claims were found to be more or less exaggerated, and some to be entirely groundless; while

others were presented by persons not citizens of the United States. After paying all the claims to the apparent satisfaction of the claimants—no protest being filed in any case—with interest for five years at the rate of 12 per cent. per annum, there remained a surplus of more than one-third of the gross sum received from China.” (House Report No. 970, Forty-eighth Congress, first sess.)

The surplus was transferred from China to the United States and invested by the Secretary of State in Government bonds. While in the hands of the Secretary, Congress and the Executive authorized the payment of \$154,299.64 to individuals whose claims had been rejected by the Commission as invalid and without merit. The balance was finally returned to China, by virtue of the act of Congress of March 3, 1885.

THE CHARACTER OF THE CLAIMS.

The commission appointed to adjust the claims made a full report of their proceeding, including a list of awards and the evidence upon which they were made. (House Ex. Doc. No. 29, 40th Cong., 3d sess.) The following is a copy of the statement of claims allowed:

CLASS I.—Statement of claims allowed in full.

	Name of claimant.	Residence.	Nature of claim.	Amount claimed.	Time of interest.	Amount of interest at 12 per cent.	Total amount allowed.
1	I. J. Roberts.....	Canton	House pillaged by mob; damages settled in 1847 at \$1,400.....		Years. 12½		
2	R. S. Maclay et al	Foochoo	House again pillaged in 1857 by Chinese soldiers, damages \$1,400..... Loss of advances paid to landlord by Chinese official interference at Foochoo, in 1852.	\$2,800 00 213 46	3 7	\$2,604 00 179 30	\$5,404 00 392 76
3	S. Drinker, deceased, estate of..	Macao.....	Balance of award by arbitrators for services to Chinese Government officers in 1856.	1,281 21	4	614 98	1,896 19
4	D. Ball.....	Canton.....	Furniture and books burned at the bombardment of Canton, October 29, 1856.	409 50	3	147 42	556 92
5	J. B. French, deceased, estate of.	.....do .....	.....do.....	1,800 00	3	648 00	2,448 00
6	C. F. Preston.....	.....do .....	.....do.....	775 00	3	279 00	1,054 00
7	A. P. Happer.....	.....do .....	.....do.....	1,315 25	3	473 49	1,788 74
8	American Board of Presbyterian Missions.	.....do .....	.....do.....	2,472 00	3	889 92	3,361 92
9	O. H. Perry.....	.....do.....	Furniture and silverware lost by burning of the foreign factories at Canton, December 14, 1856.	971 00	3	349 56	1,320 56
10	American Board of Commissioners of Foreign Missions.	.....do.....	Printing office, type, presses, books, &c., lost by burning of the foreign factories at Canton, December 14, 1856.	14,000 75	3	5,040 27	19,041 02
11	Medical Missionary Society.....	.....do.....	Furniture lost by burning of the foreign factories at Canton, December 14, 1856.	267 00	3	96 12	363 12
12	S. W. Williams.....	.....do.....	Type, furniture, books, &c., lost by burning of foreign factories at Canton, December 14, 1856.	7,550 00	3	2,718 00	10,268 00
13	W. W. Crider.....	.....do.....	Furniture, &c., lost by burning of the foreign factories at Canton, December 14, 1856.	895 54	3	322 39	1,217 93
14	S. Robertson.....	.....do.....	.....do.....	638 50	3	229 86	868 36
15	A. J. Case.....	.....do.....	Ladies' clothing and jewelry lost by burning of the foreign factories at Canton, December 14, 1856.	1,000 00	3	360 00	1,360 00
16	J. R. Smith.....	.....do.....	Furniture and books lost by burning of the foreign factories at Canton, December 14, 1856.	1,650 00	3	594 00	2,244 00
17	H. S. Grew.....	.....do.....	.....do.....	460 00	3	144 00	544 00
18	George Tyson.....	.....do.....	.....do.....	510 00	3	183 60	693 60
19	C. W. Gaillard.....	.....do.....	.....do.....	140 00	3	50 40	190 40
20	Southern Baptist Mission.....	.....do.....	House and library lost by burning of the foreign factories at Canton, December 14, 1856.	1,184 44	3	426 39	1,610 83
21	D. Vrooman.....	.....do.....	Furniture and books lost by burning of the foreign factories at Canton, December 14, 1856.	200 00	3	72 00	272 00
22	P. Parker.....	.....do.....	Chinese books lost by burning of the foreign factories at Canton, December 14, 1856.	300 00	3	108 00	408 00
23	P. L. Everett.....	.....do.....	Furniture, &c., lost by burning of the foreign factories at Canton, December 14, 1856.	279 00	3	100 44	379 44

No.	Name of claimant.	Residence.	Nature of claim.	Amount claimed.	Time of interest.	Amount of interest at 12 per cent.	Total amount allowed.
24	G. Nye, jr.....		Furniture, &c., lost by burning of the foreign factories at Canton, December 14, 1856.	\$855 06	Years. 3	\$307 82	\$1,162 88
25	A. Heard, jr.....		do.....	1,029 00	3	370 44	1,399 44
26	E. F. Parker.....		do.....	1,000 00	3	360 00	1,360 00
27	W. T. Hunter (<i>in re</i> S. Drinker, No. 3).....		Balance of award by arbitrators, for services to Chinese Government officers in 1856.	621 30	4	298 22	919 52
28	Seamen's Floating Bethel, trustees of.....		Loss of floating chapel, furniture, &c., by Chinese troops at Whampoa, in January, 1857.	7,000 00	3	2,520 00	9,520 00
29	C. T. Smith.....		Furniture lost by burning of foreign factories at Canton, December 14, 1856.	200 00	3	72 00	272 00
30	United States Consulate.....		Flag-staff, stays, &c., lost by burning of foreign factories at Canton, December 14, 1856.	1,000 00	3	360 00	1,360 00
31	S. E. Burrows & Sons.....		Loss of eight iron water tanks, by Chinese troops, at Whampoa, January, 1857.	1,000 00	3	360 00	1,360 00
32	J. G. Purdon.....		One bowling alley share (building and furniture destroyed at Canton, December 14, 1856).	95 00	3	34 20	129 20
33	J. C. Beecher.....		Furniture in Seamen's bethel (private) destroyed by Chinese troops at Whampoa, January, 1857.	250 00	3	90 00	340 00
				54,103 01	.....	21,408 82	75,506 83

CLASS II.—Statement of claims allowed in part.

No.	Name of claimant.	Residence.	Nature of claim.	Amount claimed.	Amount disallowed or withdrawn.	Amount allowed.	Time of interest.	Interest on sum allowed at 12 per cent.	Total allowed.
34	O. H. Perry, assignee of Wetmore & Co.	Canton.....	Loss of goods and furniture and expenses removal, caused by burning of factories at Canton, December 14, 1856.	\$2,248 42	\$1,938 92	\$309 50	Years, 3	\$111 42	\$420 92
35	W. P. Blanchard, receiver of King & Co., insolvent.	do	Loss of furniture, damages in removal, Chinese debtors, &c., at Canton, December 14, 1856.	37,391 10	35,391 10	2,000 00	3	720 00	2,720 00
36	Augustine Heard & Co.....	do	Loss of furniture, rents, prospective profits, demurrage, &c.	93,452 15	85,305 00	8,419 10	3	3,030 87	11,449 97
37	Russell & Co.....	do	Loss of furniture, demurrage, goods of aliens, &c.	81,100 00	79,100 00	2,000 00	3	720 00	2,720 00
38	Thomas Welsh.....	do	Loss of furniture, goods, expense, loss of contracts, &c.	62,141 72	58,115 35	4,026 37	3	1,449 49	5,475 86
39	Union Billiard Club, by George Tyson, secretary.	do	Eleven American shares, at \$55.50 each (club-house, &c., destroyed).	1,110 00	499 50	610 50	3	219 78	830 28
40	W. C. Hunter.....	do	Furniture, books, &c., property of aliens, demurrage, &c.	7,179 95	5,165 95	2,014 00	3	725 04	2,739 04
41	Alvord & Co.....	do	Furniture, &c., anticipated profits, property of Chinese combrador.	30,674 00	24,710 00	5,964 00	3	4,147 04	8,111 04
42	J. Purdon & Co	do	Furniture, merchandise, clothing, rents, commissions not earned, Chinese property, &c.	423,179 64	312,004 79	111,174 85	3	40,022 95	151,197 80
43	Humphrey Marshall, by W. C. Hunter, agent.	Kentucky ...	Furniture and chinaware.....	800 00	294 00	506 00	3	182 16	688 16
44	Thomas Hunt & Co.....	Whampoa...	Docks, buildings and materials, chops, &c., tonnage, depreciation, loss of revenue, caused by Chinese troops, January, 1857.	290,067 51	192,199 32	97,868 19	3	35,232 55	133,100 74
45	J. B. Endicott.....	Macao.....	Steam boilers, chains, anchors, and king-posts at Whampoa, January, 1857.	1,400 00	100 00	1,300 00	3	468 00	1,768 00
46	A. P. Edwards.....	New Haven	False imprisonment and severe corporal injury by Chinese officers at Canton, 1841.	50,000 00	40,000 00	10,000 00	18	21,600 00	31,600 00
47	F. Cady, deceased, estate of ...	Whampoa...	Loss of furniture, boats, merchandise, &c., by Chinese troops at Whampoa, January, 1857.	19,817 00	14,817 00	5,000 00	3	1,800 00	6,800 00
48	Russell & Co., agents for underwriters and H. W. Hubbell.	New York, &c.	Piracy on ship and cargo, October, 1854, Caldera claims.	74,285 36	44,571 22	29,714 14	5	17,828 48	47,542 62
49	Alvord & Co.....	Canton.....	do	10,974 24	6,584 54	4,389 70	5	2,633 82	7,023 52
Total				1,185,821 09	900,524 74	285,296 35	.....	128,891 60	414,187 95

By a reference to the foregoing statement and the evidence before the Commission in each case, it will be seen that all the claims are embraced in the following classes :

Damages resulting from the operations of the British forces against Canton and its vicinity in 1856 and 1857, which include 41 out of the 48 awards, and for which there were allowed	\$397,618 17
Mob violence and robbery, claims Nos. 1, 2, and 48, allowed	57,660 90
Contract for war aid, claims Nos. 3 and 27, allowed	2,815 71
Arrest and cruel treatment, claim No. 46, allowed	31,600 00

489,694 78

War damages.—The losses and injuries sustained under this first class by American citizens, and for which they were awarded indemnification by the commission, resulted from the bombardment of Canton by the British forces, the burning of the factories during the military operations in 1856, the movement of the fleets in that vicinity in 1857 (Whampoa), and the indiscriminate pillage which attended these operations.

The Government of the United States from its foundation has uniformly maintained that neither according to the principles of international nor domestic law could it be required, either by foreign Governments or individuals, to indemnify them for damages resulting from the war operations of its own troops or those of foreign nations or rebels, or from their pillage. Secretary Seward stated this position at some length in rejecting a claim for damages occasioned by the bombardment of Greytown in 1854. (Letter Feb'y 26, 1868.) Quoting this letter, the United States Court of Claims adopted these "views as a correct exposition of the laws and usages of nations upon this subject." (4 C. C., 549. See also President's messages, Feb'y 12 and June 1, 1873; 20 Opinions Judge-Advocates, 525; 26 *Ib.*, 242, 247; Law of Claims against Governments, Chaps. 3 to 6, H. R. 134, 43d Cong., 2d sess.; Whiting's War Powers, ed. 1871, 340.) The same position has been taken by all the recent claims commissions or tribunals in which the United States has participated.

Hon. R. S. Hale, counsel of the United States before the British and American Commission, in his final report, says: "Claims for injuries by bombardment, the passage of armies, * * the incidental destruction of innocent property involved in the destruction of public stores and the destruction of the enemy, * * * were all disallowed by the unanimous voice of the commissioners. * * * Where property was in its nature not a proper subject of military use, or, being such, was not applied to military use, or where the taking appeared to be mere acts of unauthorized pillage or marauding, the claims were disallowed." (Hale's Report, pp. 44 and 50.) The same course was taken in a large number of cases by the American and Mexican Commission under the treaty of 1868. The French and American Commission, under the treaty of 1880, held, in various cases, that French citizens resident in the United States could not recover from the Government of the latter for damages occasioned, during the rebellion, by the operation of the United States Army in bombarding a town, in burning a town or property therein during battle or to prevent its being occupied or used by the enemy, or the unauthorized appropriation or pillage by soldiers. (Boutwell's Report, French and American Commission, pp. 146-7, 157-8, 159-76.)

If the foregoing principles, maintained by the United States and sustained by all the claims commissions referred to, had been observed by the Chinese indemnity commission, forty-one out of the forty-eight claims, on which \$297,618.17 were allowed, would have been rejected.

Mob violence and robbery.—One-half of claim No. 1, and claims Nos. 2 and 48, upon which \$57,660.90 were paid, were in compensation for damages arising from acts of mob violence or robbery by lawless bands. If "the principles of international law and the usages of national comity," enunciated by Secretary Evarts in his note of December 30, 1880, to the Chinese minister, and affirmed by Secretary Blaine (Foreign Relations, 1881, pp. 319, 335), had been followed by the indemnity commission, all of these claims would also have been rejected.

Contract for war aid.—Two American citizens, Drinker and Hunter (claims Nos. 3 and 27), entered into an agreement, in 1855, with certain Chinese local authorities to aid them in an attack upon some rebel forts. Upon being informed of the facts, the United States minister, R. M. McLane, disapproved of the movement and directed them to desist from it, and the United States naval officers "threatened the said Captain Drinker with severe penalties unless he abandoned the enterprise." Drinker and Hunter made a demand upon the Chinese for money expended under the agreement. The dispute was submitted to two foreign residents of Canton for arbitration, and they awarded Drinker and Hunter \$1,902.51. The Government of the United States has repeatedly held that where a citizen voluntarily enters into a contract with a foreign Government or its local authorities, he must look to that Government for the enforcement of his con-

tracts, and that he has no right to call upon his own Government to protect his claim; and with much more reason, as in this case, when the American minister and authorities prohibited the transaction.

Arrest and cruel treatment.—A. P. Edwards, claim No. 46, with others, was arrested by Chinese soldiers, in 1841, during the hostilities between the British and Chinese, under the mistaken belief that he was a British subject; was placed in irons and otherwise cruelly treated; was taken the same day to Canton, when, on learning that he was an American, the Viceroy ordered his release, the imprisonment lasting less than one day. "The mandarins expressed their sorrow at the detention, saying it was a mistake, as they supposed them to be Englishmen." (H. Ex. Doc. 29, 40th Cong., 3d sess., p. 102.) Of all the claims presented to the commission, this appears to be the sole one which would stand the test of a strict interpretation of international law. Notwithstanding the prompt release and apology of the Chinese officials, Mr. Edwards was allowed \$31,600.

Rejected claims paid.—On the 26th of January, 1860, Minister Ward transmitted to the Secretary of State the final report of the commission, and said: "As far as I have been able to learn, every claimant is content with the amount awarded. Certainly such ought to be the fact, and yet the amount secured by the treaty will not be exhausted; but after paying every just demand against the Chinese Government, there will be a surplus of more than \$200,000." (Ib., p. 12.) And Minister Burlingame, in 1865, in reporting his settlement with the bankers having charge of the disbursement of the fund, wrote to the Secretary of State as follows: "There is no other demand that can ever come up for payment out of this indemnity fund which has not been examined and decided, and the act of Congress approved March 3, 1859, has been fully carried out in every particular." (Foreign Relations 1865, p. 442.) It appears, however, that after transmission of the surplus to Washington there has been paid to rejected claimants the sum of \$151,259.64, being the Caldera claim, \$113,017.11, and Nott & Co., \$38,242.53. (Secretary Frelinghuysen, May 16, 1884; S. R. 934, 48th Cong., 2d sess.)

The Caldera claim.—The Caldera was a Chilean vessel, but the claim was made by New York underwriters. The facts of the case are succinctly stated by the House Committee on Foreign Affairs, as follows:

"The bark encountered a severe typhoon on her first day out from Hong-Kong, bound for San Francisco with a cargo of tea; the sails were 'torn into shreds,' and the vessel was so severely strained by the force of the gale and the heavy sea that she leaked very badly, necessitating the constant working of the pumps to keep her free; that after driving before the gale for two days she grounded while endeavoring to take shelter in a bay on the coast of the Five Islands, suffering considerable damage to her hull. After working off the bar upon which she had struck she anchored in the bay, the men being kept continually at work at the pumps to keep the water in the hold from gaining upon them; that while thus engaged the crew were surprised and overpowered by Chinese pirates, and the cargo plundered; that at that time there was 4 feet of water in the hold, immersing about one-third of the cargo; that the vessel proved a total loss, and a large part of the cargo was carried away by the pirates; that upon being informed of this outrage the Chinese Government sent several war junks, in conjunction with war vessels of foreign powers, and dispersed the pirates, recovering a small portion of the stolen property; that both the hull of the vessel and her cargo had been seriously damaged by the elements, and her rigging almost totally destroyed before she entered the harbor where the robbery was committed, is placed beyond all question by the testimony of the master of the Caldera and others." (H. R. No. 970, 48th Cong., 1st sess.)

The total amount claimed before the commission was \$89,727.09. The commissioners were divided in opinion, Dr. Bradley rejecting the claim *in toto* and Mr. Roberts allowing \$54,566.14, which allowance was approved by Minister Ward and paid. Commissioner Bradley held that it was "clearly stipulated in Article XXVI (treaty of 1844) and of article XIII (1858) that 'the Chinese Government will not make indemnity for the goods lost' by piratical depredations on our commerce. * * A decision in favor of the claimants would be unprecedented. * * Numerous like instances have, within the last seventeen years, occurred in waters over which China exercises jurisdiction, for which neither British or American underwriters have ever asked indemnity. * * Piracy is one of the risks against which they insure; and it would be as reasonable to insist on Chinese indemnity for losses by Chinese typhoons as for those by Chinese pirates."

Notwithstanding the award and its payment, the underwriters resubmitted their claim in 1863 to Minister Burlingame, asking for the further sum of \$63,078.67. Mr. Burlingame made an exhaustive review of the case, and transmitted it to the Secretary of State, with the following conclusion thereon: "From these facts it appears that the claim was fully considered and decided under the most favorable circumstances for the claimants, who received two-thirds of the sum originally claimed, when, it seems to me, they were not entitled to one farthing. I agree entirely with the able opinion of Dr. Bradley

against the whole claim, and also with the antecedent opinion of Minister McLane, in November, 1854, in the same sense. * * * After this award, to learn that a still further claim should be put forward *fills me with amazement.*" (For. Rel., 1865, pt. 2, p. 408.)

In 1862 two American vessels were wrecked and plundered by Chinese pirates or wreckers, under similar circumstances, and Mr. Burlingame decided that the sufferers had no claim to indemnity under the treaty. (For. Rel., 1864, pt. 3, p. 337.)

In spite of the foregoing facts, claimants succeeded in obtaining from Congress the passage of an act (June 19, 1879) by means of which they secured from the surplus fund the sum of \$113,077.11, making a total payment on this claim of \$170,683.25, upon which Minister Burlingame declared "they were not entitled to one farthing."

The Nott & Co. claim.—The facts of the case, as stated by the claimants themselves, are as follows: "The Neva sailed at 3 p. m., on the 17th November, 1857. While at anchor the same evening * * * five Chinese came alongside, requesting passage to Foochoo, which was granted them; at about 11 p. m. they, with the assistance of the Chinese portion of the crew, took possession of the vessel, murdered the captain and some of the crew, and, after securing the remainder, the hold was broken open, and a large amount of treasure, of which four boxes, valued at \$16,197.60, were our property. * * * The Chinese escaped with their plunder, by boat, to the mainland." (Report of Commission, p. 119.)

The claim was rejected by the Commission as invalid. It appears, however, from the letter of Mr. Frelinghuysen, of May 16, 1884, that the claimants finally secured from the State Department the payment from the surplus fund of \$38,242.53 by virtue of the act of Congress of February 22, 1869.

It results that the total amount received by claimants out of the indemnity fund paid to the United States by China, by virtue of the claims convention of 1858, was \$643,994.42; of which amount it is believed that at least \$600,000 was not warranted under a strict application of international law, as interpreted by the Government of the United States, but was conceded by China, as a mark of appreciation of the friendly attitude of the United States during the hostilities with Great Britain and France.

[Inclosure No. 4.]

("The whole international code is founded upon reciprocity."—WHEATON, Lawr., 6th ed., p. 421.)

Protection of Americans and diplomatic intervention in China.

The policy of the United States.—Mr. Burlingame, while acting as minister of the United States in China, held an important interview with Prince Kung, in which he discussed with the Prince three points, stated by him as follows: "The sovereign right of the Chinese Government to legislate on its own domestic affairs, the importance of comity and generosity in international intercourse, and wisdom of dealing with individual peculiarities." (Foreign Relations, 1865, p. 446.) In acknowledging Minister Burlingame's dispatch transmitting the interview, Hon. William H. Seward, Secretary of State, says: "The President of the United States desires to make known his satisfaction with the very just, liberal, and friendly sentiments expressed by Prince Kung and his associates of the foreign board at these interviews. The Government of the United States is not disposed to be technical or exacting in its intercourse with the Chinese Government, but will deal with it with entire frankness, cordiality, and friendship. The United States desires neither to interfere with the distinct and ancient habits and customs of the Chinese people nor to embarrass the members of the foreign board in their difficult and responsible labors. While insisting always upon rights stipulated in solemn treaties, the wish of this Government is to promote that esteem which will conduce to the mutual advantage of both nations." (For. Rel., 1865, p. 461.)

Soon after the visit of the Chinese embassy, headed by Mr. Burlingame, to the United States in 1868, Mr. Fish, Secretary of State, sent a dispatch to Mr. Bancroft, American minister in Berlin, in which he used this language: "I propose to give briefly the views of the Department as to the policy to be pursued towards China. I am induced to do this mainly because the chargé d'affaires of North Germany has, under instructions of his Government, inquired of me whether the President still adheres to the principles established by the additional articles to the treaty of June 18, 1858, which were concluded July 28, 1868. * * * The great principle which underlies the articles of July, 1868, is the recognition of the sovereign authority of the Imperial Government at Pek-

ing over the people of the Chinese Empire, and over their social, commercial, and political relations with the western powers. Although it is true that many of the Christian Governments, including the United States, had before then concluded treaties with the Imperial Government, yet it is scarcely exaggeration to say that their relations at that time were rather those of force than of amity. * * * Those treaties closed a war which resulted disastrously to China; before their ratification could be exchanged another war became necessary to enforce them; the concessions they contained were forced from the Imperial Government. * * * The treaty negotiated by Mr. Burlingame and his colleagues was a long step in another direction. It came voluntarily from China, and placed that power in theory on the same diplomatic footing with the nations of the western world. * * * The apprehension has been expressed lest the operation of the eighth article of the treaty of July should put a stop to this co-operative policy (of the Christian powers); and I am bound to say that, so far as that policy was aggressive and attempted to force upon China measures which could not be enforced upon a European or American State by the rules of the equitable code which regulates the intercourse of civilized nations, in my judgment, that article may, when ratifications are exchanged, prevent the United States from participating in such a policy." (For. Rel., 1870, pp. 304-305.)

And a year later Secretary Fish, in requesting the Secretary of the Navy to send certain instructions to Admiral Rogers in Chinese waters, writes: "The present relations between the United States and China are unusually amicable. The policy inaugurated by Mr. Burlingame and Mr. Seward at Washington, whereby the Chinese Empire was placed on the footing of the civilized States of the West, and recognized as an organized central power, was essentially an American policy in its inception, and is so regarded in the Chinese mind. From the best information which this Department can obtain, this policy is one calculated to increase American influence and interests in China." (For. Rel., 1870, p. 332.)

Judicial rights of Americans in China.—Attorney-General Cushing, who had himself been the diplomatic representative of the United States in China, after a personal conference with Messrs. McLane and Parker, two other ministers to that country, gave an elaborate opinion respecting judicial authority in China, in which he assumed the position that "in controversies between citizens of the United States and subjects of China the case is to be tried by the court of the defendant's nation." (Op. Att'y-General, Vol. VII, p. 496.) And again, "secondly, as to demands by an American against the Chinese, the former must, of necessity, be content with such judicial or executive action of the Chinese Government in the premises as appertains to their institutions, and as by special application in each case, or by general application, may be required on the part of the public officers of the United States." (Ib., p. 517.) This opinion was transmitted to the consuls in China by the Department of State October 8, 1855, "for their instruction."

In 1879 a conference of the diplomatic representatives of all the treaty powers was held at Peking to consider the judicial system, extraterritorial rights, and other subjects. Mr. G. F. Seward, minister of the United States, took a leading part in this conference, and submitted to it a carefully prepared memorandum, in which he considered the subject of the "administration of justice in cases in which Chinese are accused by our people of offenses and crimes against their persons or property, or in which reclamations are made of a civil nature." In this paper all the treaty stipulations are quoted, and Attorney-General Cushing's opinion, above cited, is accepted as to jurisdiction. As to criminal matters, he asserts that "no foreign government has questioned the principle that the Chinese remain completely subject to their own authority in criminal matters;" and that "civil matters between Chinese and foreigners must be tried in the court of the defendant." Upon reporting his action and views to the Department of State they were approved by Secretary Evarts. (For. Rel., 1880, pp. 148-153 and 214.)

These references are made to show that, although certain extraterritorial rights were conceded to American citizens by the treaties, which, in the language of Secretary Fish, "closed a war which resulted disastrously to China," and whose stipulations were "forced from the Imperial Government," these treaties have never been interpreted as taking away the "sovereign authority of the Imperial Government at Peking over the people of the Chinese Empire" in respect to remedies afforded American citizens for wrongs or injuries done by Chinese subjects to their personal or property interests; in other words, that as to these matters the Americans in China enjoy the same judicial and executive rights as Chinese enjoy in the United States—a free resort to the courts and authorities of the country of their residence.

American vs. Chinese justice.—In discussing the relative fair dealing of the American residents of Chinese ports, and Chinese merchants and people, and the impartiality and fidelity of consular and Chinese courts, Hon. C. W. Bradley, LL. D., United States Claims Commissioner, long a resident of China, uses the following language in one of his

decisions: "It is a mortifying fact that were a balance to be struck between the aggregate losses suffered by Americans from Chinese pirates, Chinese thieves, and Chinese debtors, on the one hand, and on the other, the injuries inflicted on Chinese merchants, tradesmen, compradors, and citizens in the non-payment of debts honestly due them by American merchants, agents, shipmasters, mariners, &c., we should find that balance to our debt in a ratio of full 90 per cent. I speak advisedly.

"On the score, too, of official fidelity and punctuality in fairly carrying out their treaty obligations as against their own countrymen, I apprehend that the consular officers of America and Europe have been guilty of as many and as serious laches as can be produced against the native magistracy of China in their official shortcomings towards foreigners. Such, at least, is the result of my observation. Due provision is also made by the Chinese code of statutes and ordinances for the punishment of malfeasance on the part of officers. * * * These statutes cover the whole ground of official torts, and are frequently enforced with exemplary impartiality and rigor." (H. Ex. Doc. 29, 40th Cong., 3d sess., p. 176.)

Indemnity for mobs and lawlessness.—The eleventh article of the treaty of 1858, only authorizes the intervention of the United States officials in the case of mobs or other lawlessness, to the extent of asking the *punishment* of the offenders according to Chinese law, but confers no authority upon them to demand *indemnity* for losses sustained by American residents. In this respect the latter are "placed on a common footing * * * with the subjects of China."

But the official and published records of the Government of the United States show that, in the past thirty years, that Government has repeatedly intervened officially and demanded of the Chinese Government not only the *punishment* of rioters, robbers, and other lawless persons, who have destroyed or appropriated the property of American citizens in China, but has also asked the Imperial Government either to compel the outlaws or the local authorities to indemnify those citizens for the losses sustained, or has asked the Imperial Government itself to pay these losses. The most noted instance is that of the convention of 1858, when, at the close of the British and French hostilities against China, at the urgent instance of the Government of the United States, \$735,258.97 were paid by China to satisfy the claims of American citizens, a large amount of which was for losses occasioned by mobs, robbery, and other lawless acts of individual Chinese subjects. For detailed information as to these claims, reference is made to inclosure No. 3.

Since that date, the official publications disclose a number of cases, one of the most important being that of the Tien-Tsin riot in 1870, when the native population attacked the French Catholic mission in that city, destroyed the cathedral, the French consulate, and the establishment of the French Sisters of Mercy, and the mob resulted in the death of sixteen French subjects, including the consul and three Russians. Although the riot was directed against the French Catholic missions, some property belonging to the American Board of Missions was destroyed or injured. The American minister, Mr. Low, very promptly united with the other members of the diplomatic corps in a joint note to Prince Kung, calling urgently upon the Imperial Government to take prompt measures to punish the rioters, in which they state that "it is indispensable that, as other countries hear the tidings of this crime, they should, at the same time, be informed that justice is being done." (For. Rel., 1870, p. 359.)

Notwithstanding that Prince Kung had given assurance that measures had been taken "to execute upon the lawless men the severest penalties of the laws," and had notified the French minister that the guilty should be punished with death and other severe penalties as soon as the investigation could be concluded, the American minister joined with his colleagues in a second note, saying: "We conceive it to be our duty, without loss of time, to state to your imperial highness that we regard the decision arrived at, after three months' delay, as utterly unsatisfactory." (For. Rel., 1871, p. 69.) The final result of the proceedings of the Chinese authorities was the execution of nineteen persons, and the sentence of twenty-six others to army service, indemnity for the property destroyed, and proper apologies to the French Government. Mr. Low reports to the Department of State that after having a careful estimate made of the damages suffered by the American missionaries, he directed the consul at Tien-Tsin to "present the claim to the local authorities; and a settlement was made by their agreeing to rebuild the rented premises in a manner satisfactory to the owner, and the payment in money of the claim for damages to the larger chapel. This has all been done to my entire satisfaction. * * * The settlement of this matter adjusts all legal and proper claims for losses or damages sustained by citizens of the United States in consequence of the riot at Tien-Tsin." (For. Rel., 1871, p. 75.)

In 1872 several American missionaries who had, contrary to the treaties, established themselves at Hangchow, in the interior, 140 miles away from the open ports, were annoyed by the act of the local authorities in the arrest of the persons who had sold them

the land upon which their chapels had been erected. Complaint was made to the nearest consul, and the latter went at once to Hangchow, remonstrated with the authorities, and insisted upon the release of the Chinese, and that ample assurances should be given of protection to the missionaries, and after some delay the request of the consul was complied with, notwithstanding Minister Low reported to the Secretary of State, "My opinion is clear and decided that missionaries have no right to reside permanently away from the open ports." Secretary Fish commended the conduct of the consul, but directed the attention of the missionaries to "the embarrassment which follows the assumption of privileges which cannot be claimed or defended under the treaty." (For. Rel., 1873, pp. 118, 135, and 137.)

Upon Minister Low's retirement in 1872, the missionaries of the American Board tendered him their thanks "for the promptness and energy with which you (he) secured redress for violence done * * * by an angry mob in Tu-chen;" the representatives of the Methodist Episcopal Missions express their "deep obligations * * * for the prompt, able, and successful vindication of our right to hold chapel premises * * * in the face of determined hostility;" and the missionaries at Peking, as a body, congratulate him "on the happy adjustment of many difficult questions in regard to the work of missions." (For. Rel., 1873, p. 201.)

A riot occurred at Shanghai in 1874, in which several Chinese were killed by the foreign police and residents, and some slight injury done to Americans by the natives. The consul-general, Mr. Seward, took an active part in suppressing the riot by calling upon the commander of an American naval vessel in the port to land a force of marines, and in other ways. The United States minister, Dr. Williams, called upon the consul to send him the "particulars of the various claims for damages suffered by American citizens." Consul Seward reports: "I have no further details about the injuries suffered by foreigners (Americans) than those stated in the inclosures. Mr. Fisher, with the modesty characteristic of many foreigners in such cases, values his bruised temple and two departed teeth at 10,000 taels, or \$14,000. Rev. Mr. Allen and Mr. Haskell each lost a carriage." (For. Rel., 1874, pp. 257-74.) Mr. Fisher's claim was disallowed by the Department of State, on the ground that he carelessly exposed himself to the mob, and that his injuries were not severe"; but the other damages seem to have been satisfactorily adjusted.

Rev. H. Corbett, an American missionary, went with his family in 1873 to Chi-mi, 130 miles away from a treaty port, and established his work there. A few months after his arrival he began to feel the effects of the native opposition, being twice stoned and hooted out of the neighboring villages, and finally, fearing further bodily harm, fled from the place and returned to the treaty port whence he had come. Some lawless people, hearing he had gone, entered and sacked his house. Mr. Williams, the minister, as soon as he had intelligence of the event, asked the Imperial Government to take action, "so that the affair may be equitably judged and settled. This is highly important." The nearest consul also intervened with the local authorities; but after some delay and unsatisfactory progress toward the settlement desired, Minister Williams directed Mr. Sheppard, consul at Tien-Tsin, to go in person to the port of Chefoo, "to bring the affair to a conclusion according to the obligation of the treaty and justice. * * * In asking for redress, the arrest and punishment of the ringleaders should be demanded. * * * A careful list of the property should be made out which was stolen or destroyed, with its actual value, and compensation made to Mr. Corbett for his losses. When these two points are obtained, the district magistrate may well be made to issue a proclamation setting forth the freedom guaranteed to Christians."

Mr. Sheppard went to Chefoo, followed by an American naval vessel, which remained till the conclusion of the case. The consul reports that, on the 4th of June, 1874, there was a "final and most satisfactory settlement;" that twenty eight rioters were arrested, and with a number of witnesses, brought from the scene of the disturbance, to Chefoo, a distance of 140 miles, where the trial took place, with the following result as given by the consul: "1. Four men, convicted of having been prominently engaged in the two cases of stoning, to be beaten with the large bamboo; one of them eighty blows, two others sixty each, and one forty blows. The local constables to receive eighty blows each and be dismissed from office. 2. Mr. Corbett's pecuniary losses, estimated at 380 taels, to be paid within fifteen days by the persons who entered his house, they to be imprisoned in the mean time, and the Taotai to guarantee payment. 3. The remainder of the criminals to be pardoned at my special request. 4. All of the prisoners to enter into a bond to keep the peace and guarantee Mr. Corbett's personal safety while he remains in Chi-mi. 5. The taotai to issue a stringent proclamation * * * threatening severe punishment * * * for similar outrages in the future. 6. When Mr. Corbett returns to Chi-mi, the Taotai is to furnish him with a special passport, and also a letter to the Chi-mi magistrate." All the facts of the case, with a copy of the proceedings attending the trial and punishment, having been sent to Washington, Secretary

Fish communicated to Minister Williams "the cordial approval of the Department." (For. Rel., 1874, pp. 274-297, and 345.)

In 1875, the United States consul at Tien-Tsin united with his Christian colleagues in a joint note to the governor of the province, calling his attention to the fact that a picture representing the massacre of foreigners in 1870 was being publicly exhibited at a fair in the interior of the province, tending to excite the populace to violence, and asking the governor "to take steps to discover and punish the exhibitor and painter of this picture; also to cause a proclamation to be posted * * * stating why such punishment has been inflicted." To this note the governor replied that he had, upon the first appearance of this picture in Tien-Tsin, the year before, given orders to seize and burn every copy, and destroy the block, and that similar orders had been given respecting the interior, and steps taken to punish the possessors. This action of the consul having been reported to Secretary Fish, received the approval of the Department. (For. Rel. 1875, pp. 345, 400.)

Two cases of riotous assault were reported in 1875 on the Methodist missions at Shui Chang and Kin-Kiang. In the first case the consular agent promptly intervened, and asked the Chinese authorities for "reimbursement for their pecuniary losses, as follows: For riot of 1873, in which they lost money expended for chapel rent, furniture, wages of men, books, ready money, and traveling expenses, \$200; and for the riot of 1874, in which were taken from the persons of their native assistants money and clothing to the amount of \$40, besides traveling expenses, and other expenses to which the mission was subjected, the sum of \$125; besides just compensation for personal injuries." These demands were repeated by Minister Avery to Prince Kung. In the second case the mob destroyed the chapel and other buildings of the mission, and the consul asked the Taotai to "have the chapel and buildings connected with it repaired and put in the same condition as before the riot, and to make good all other losses sustained by the mission, and, further, that you administer proper punishment to the ringleaders of the riot, as well as issue a proclamation," &c.

In the second case the local authorities promptly complied with the consul's demands, and no appeal was necessary to the Imperial authorities. Minister Avery, in commenting upon these affairs to the Secretary of State, says: "The outbreaks reported are quite sporadic, no more indicating a conspiracy against foreigners than the acts of ruffianism against Chinese, which occur more frequently in the United States, and none of which have been made the subject of diplomatic remonstrance." (For. Rel. 1875, pp. 383-391 and 397.)

Rev. Mr. Sites, through the intervention of the American representative, brought a claim against the Chinese authorities for injuries received in an assault upon his chapel at Tenjing in 1879. The Chinese authorities offered a satisfactory amount of money in indemnification for his sufferings and losses, but declined to restore his chapel to him unless he agreed to carry on his religious services with certain restrictions deemed necessary by them. (S. R. 934, 48th Cong., 2d sess.)

Minister Angell, in 1881, reports a difficulty which occurred at the Presbyterian mission station near Peking, which, owing to his own prompt personal interposition with the Imperial Government, was suppressed before any serious damage was done. "Five men, who had been arrested and probably bamboozed, were placed before the gate of the mission with cangues upon their necks. * * * The Tsung-li-Yamên having shown a most commendable spirit in their treatment of this case." Secretary Blaine sent his congratulations to the minister on the result. (For. Rel. 1881, pp. 265 and 278.)

In the same year Minister Angell reported that he had intervened to obtain from the Imperial Government the release of all Protestant converts, Chinese subjects, from taxation for the expense of idol worship. He recognized that it was an "extremely delicate matter to interpose ourselves in the least between Chinese subjects and their own Government."

But "the ministers at once expressed their willingness to have an order issued granting the wished-for protection to Chinese converts." Secretary Blaine again expressed his gratification, and added: "The Christian world cannot but be deeply impressed by this action of the Chinese Government." (For. Rel. 1881, pp. 272 and 297.)

Various petty deprecations and thefts had from time to time been committed on the American missionaries at Teng-Chow-Foo, amounting altogether to \$73. Minister Angell considered this of sufficient importance to make it the subject of an official note to Prince Kung, asking "the local authorities to punish the thieves, to secure the return of the value of the property taken, and to guard more vigilantly against such deprecations in the future." Prince Kung accepted this intervention, and gave the desired orders to the local authorities. (For. Rel. 1881, p. 284.)

During the year 1881 two or more disturbances arose out of the American missionaries going into the interior of China, or away from the treaty ports, and purchasing or leasing property for chapels and mission uses. At Tsinan-fu a mob destroyed the chapel

and "threatend the life of the missionaries and their families. * * * Happily the intervention of the authorities * * * soon secured safety from personal danger." At Nan-chang-fu the acts of violence were confined to putting the native helper into a boat, with his effects, and sending him down the river. Mr. Angell, in reporting the cases to the Department of State, says it is the inclination of "the missionaries to suppose that our treaty rights are broader than they really are. * * * But I see no assurance in any treaty that the foreigner may rent or buy buildings in interior cities." Notwithstanding, Minister Angell saw proper to intervene with the Imperial Government, and sent official notes to Prince Kung in both cases, asking the punishment of the instigators of the disturbances, that the missionaries be allowed to have an eligible site on the main street," and that the local authorities "be notified that proceedings like that now complained of shall not be repeated."

Secretary Blaine, in approving this action, said: "It seems that the Chinese Government should, in a spirit of impartial justice, at once put a stop to these uncalled for and unprovoked annoyances by promptly punishing the offenders, and by affording our citizens every possible protection in the future." (For. Rel. 1881, pp. 286, 308, and 317.)

A further intervention of a similar kind was reported in relation to the property of the Southern Baptist mission in the vicinity of Canton, which was also approved by the Government at Washington. (For. Rel. 1881, pp. 282 and 316.)

Minister Young reported to the Department, in 1883, the occurrence of riots in Canton, "arising out of the folly of some Europeans, which unhappily led to the loss of life" of Chinese subjects, and the joint intervention of the consular corps. Mr. Young takes occasion "to note the forbearance shown by the Chinese authorities, and the promptitude with which the viceroy intervened to preserve order and secure the interests and safety of the foreign settlement." (For. Rel 1883, p. 209.) In the riots considerable property of foreigners was burned or destroyed, but at the request of the consul the local authorities made to the American sufferers full money compensation for all their losses.

[Inclosure No. 5.]

The New Orleans and Spanish indemnity.

In the month of August, 1851, an expedition which left the territory of the United States to aid in the attempted insurrection in Cuba was captured by the Spanish authorities, and fifty persons shot, many of them being American citizens. When the news reached the United States, it created intense excitement, which at New Orleans and Key West culminated in mob violence against the Spanish subjects, who, it was alleged, had manifested exultation over the execution of the Americans in Cuba. In New Orleans the Spanish consulate was entered and plundered, as also the office of the Spanish newspaper, "La Union," and several coffee-houses and three tobacco stores were more or less injured.

The public sentiment was so strong that the grand jury failed to indict the rioters, and no punishment followed the lawless acts of the mob. Soon after the events Mr. Calderon, the Spanish minister in Washington, made a demand on the Secretary of State "for just satisfaction for the above-mentioned insults and acts of hostility, with a corresponding indemnification for the damages and injuries inflicted upon her Catholic Majesty's subjects." (S. Ex. Doc. No. 1, 32d Cong., 1st sess., p. 44.) And on the 14th of October, 1851, he again addressed the Secretary of State as follows: "Apprised of all the facts, Her Majesty's Government has ordered the undersigned to persist in asking, as he again asks, in the name of said Government, for full satisfaction for the aggravated insults committed upon the Spanish flag and upon Her Majesty's consul at New Orleans, and also that the Spaniards residing in that city shall be indemnified for the losses they have sustained at the hands of an infuriated and licentious mob." (Ib., p. 60.)

To this communication Mr. Webster, Secretary of State, replied, November 13, 1851, that "the Executive Government of the United States regards these outrages not only as unjustifiable, but as disgraceful acts, and as a flagrant breach of duty and propriety, and that it disapproves them as seriously and regrets them as deeply as either Mr. Calderon or his Government can possibly do. * * * But the outrage, nevertheless, was one perpetrated by a mob, composed of irresponsible persons, the names of none of whom are known to this Government; * * * that neither any officer or agent of the Government of the United States, high or low, nor any officer of the State of Louisiana, high or low, or of the municipal government of the city of New Orleans, took any part in the proceedings, so far as appears, or gave it any degree of countenance whatever. On the contrary, all these officers and agents * * * did all which the suddenness of the occasion would allow to prevent it. * * * The rights of the Spanish consul, a public officer residing here under the protection of the United States Government, are quite

different from those of the Spanish subjects, who have come into the country to mingle with our own citizens, and here to pursue their private business and objects. The former may claim special indemnity; the latter are entitled to such protection as is offered to our own citizens. While, therefore, the losses of individuals, private Spanish subjects, are greatly to be regretted, yet it is understood that many American citizens suffered equal losses from the same cause. And these private individuals, subjects of her Catholic Majesty, coming voluntarily to reside in the United States, have certainly no cause of complaint, if they are protected by the same law and the same administration of law as native-born citizens of this country." (Ib., p. 65.)

In accordance with this assurance given in Mr. Webster's note, the President, in his annual message to Congress, December, 1851, recommended that body to "make provision for such indemnity to him (the Spanish consul) as a just regard for the honor of the nation and the respect which is due to a friendly power might, in your judgment, seem to require." (Ib., p. 7.)

On the 10th of May, 1882, no action having as yet been taken upon the recommendation of the President, Senator Mallory, of Florida, introduced a resolution instructing the Committee on Foreign Relations "to have investigations made whether any Spanish subjects, not citizens of the United States, have sustained damage, by loss of property or otherwise, in consequence of public outbreak or violence in the State of Louisiana, * * * and into the propriety of authorizing the President to make indemnity to the Spanish Government for such Spanish subjects for said damages." In support of the resolution, the Senator, after referring to the alleged outrages, said:

"We are all familiar with the maxim that there is no wrong without a remedy; and, if a class of American citizens had thus been dealt with by Spain or her colonies, I presume there is not an American who would not immediately respond that a stern demand upon the Spanish Government, supported by all our force, and a strict indemnity for the losses sustained, could be the only mode, the only measure of redress. I concede, as it has been held, that the municipal authorities of the place at which the property was destroyed are primarily liable, and may be justly held accountable for the damages sustained; but it is evident that while this liability offers the shadow of a remedy, it affords no substantial redress whatever; it but holds 'a promise to the ear to break it to the hope;' it is making the mode and measure of redress dependent upon the party legally bound to make it. It is, therefore, as wrong in principle as it is in policy to turn parties, who have thus been injured over to the local or municipal authorities of the place where the wrong was committed. I think, sir, of course, that Governments are no less bound by the rules of strict morality in this case than individuals; and that our Government, depending, as it does, on the will of the people, and representing in the aggregate the virtue of the people, has always manifested in its foreign relations, and is bound to manifest, frankness and exact justice, and, in this case, if the assumptions I have made be correct, exact justice is no less dictated by a sound morality than by expediency, policy, and a far-seeing political forecast.

"Why, sir, foreign nations do not understand the workings of our political system. They do not understand that politically and socially our States are as 'as distinct as the waves,' whilst, in our foreign policy, we are 'one, as the sea.' We have dealt with Spain as with the rest of mankind—as a unit; and if it be conceded that the subjects of Spain, whose property was destroyed, are entitled to indemnity, it will be difficult to make her understand why this indemnity should be sought from a single municipality or State, of whose very existence she may in some cases be ignorant. It was not thus that we treated with a sister Republic. We did not condescend to deal with departments or States. Our merchants were deprived of their property, and in many instances of their liberty, by departments or States; and we did not hold them responsible. We dealt with Mexico as a unit. We made our demands upon her; and surely we are bound to concede to Spain all that we asked from Mexico." (Cong. Globe, Vol. XXIV, pt. 2, pp. 1301-2.)

After the Senator's remarks the resolution was adopted without objection.

Meanwhile, the Spanish minister, under instructions from his home Government, again addressed Secretary Webster on the subject of indemnifying the private subjects of Spain for their losses. He called attention to the fact that the grand jury at New Orleans had not been able to agree, and that no punishment had followed the riot of the August previous. He claimed that there was a "a striking difference between the occurrences in question and ordinary individual wrong. * * * The damages have been occasioned by the people and citizens of the United States, in time of profound peace, not against this or that individual, but against a whole class of men, not in consequence of private wrongs, which are within the pale of the jurisdiction of ordinary tribunals, but from deadly hatred against the nationality of the parties aggrieved." In conclusion, the minister refers to the friendly relations existing between the two Governments, flatters himself that Mr. Webster "will find, in his equity and wisdom, the generous

remedy that the condition to which several peaceful industrious, and honorable Spaniards have been reduced by violence in New Orleans requires, * * * and cherishes the hope that his Excellency the President will be pleased to give his assistance by recommending to Congress the appropriation of the necessary funds for this purpose." (H. Ex. Doc. No. 113, 32d Cong., 1st sess., pp. 3 and 4.)

This note was sent to the President by Secretary Webster, with the suggestion "that Congress be recommended to make provision for the reparation desired;" and the President transmitted the correspondence to Congress June 14, 1852, accompanied by a special message, in which he referred to the action of the Queen of Spain in pardoning certain American citizens who had participated in the invasion of Cuba, and expressed the belief that, without establishing a dangerous precedent, the indemnity asked for might be granted. Such an act, he said, "would tend to confirm the friendship which has so long existed between the two nations, and to perpetuate it as a blessing to both; and I therefore commend it to your favorable consideration." (Ib., pp. 1 and 2.)

On the 23d of June, 1852, Senator Mason, chairman of the Committee on Foreign Relations, made a report on this special message, accompanied by a joint resolution "for the relief of the Spanish consul and other subjects of Spain * * * by indemnity for losses occasioned by the violence of the mob in the year 1851." Senator Mason, in his report, said:

"After a careful examination of the treaty of 1795, cited in the communication of the minister of Spain, the committee can find nothing, either in its letter or its spirit, which imposes on this Government the duty of providing the indemnity in question. Neither does the committee find any obligation on the United States, arising out of the good faith of nations to each other, to provide the indemnity asked for the losses sustained on the occasion inquired into * * * The jurisdiction of the Government of the United States over the persons and property of those within its territory is strictly limited by the Constitution.

There is no power conferred by that instrument to provide by law for the security either of private persons or their property within the States in time of peace, unless it may be by treaty stipulations; neither, if the laws of the States themselves are inadequate to afford such protection, is it competent to this Government to interfere or control the subject. * * * But although, in the opinion of the committee, there is no actual obligation on the Government of the United States to provide the indemnity claimed by Spain in this behalf, yet they are gratified to have it in their power to recommend it nevertheless, without risk of establishing an injurious precedent. In this view the committee fully adopt the sentiments of the President. * * * Under the peculiar circumstances of the case such indemnity may, in the opinion of the committee, be quite as well considered as in the nature of awards for injuries to a friendly power, committed within the limits of the United States, as of compensation to individuals who suffered. * * * The occurrences at Key West were similar in character, it is believed, to those at New Orleans, and fall within the same reasoning. They report, therefore, a joint resolution to cover both." (Cong. Globe, vol. 24, pt. 2, p. 1599.)

With some unimportant verbal amendments, the joint resolution was passed by the Senate without objection July 14, 1852. (Ib., p. 1769.)

As the session drew near to its close, the joint resolution was substituted by a clause inserted in the diplomatic appropriation bill, making an appropriation of \$25,000 "to enable the President of the United States to make compensation to the Spanish consul and other subjects of Spain residing at New Orleans, and subjects of Spain at Key West, for losses occasioned by violence in the year 1851." And in this shape the President's recommendation was adopted and the appropriation made by Congress. (Ib., pp. 2474-7.)

The Secretary of State thereupon caused an examination of the claims for damages to be made, and as it resulted that the appropriation of \$25,000 would not cover all the losses occasioned by the mobs at New Orleans and Key West, Congress was called upon, at the next session, to make another appropriation, or confer upon the Executive further power, and on the 3d of March, 1853, a joint resolution was passed in the same terms as the former act, and providing that the losses, when examined and proved to the satisfaction of the President, should be paid "out of any money in the Treasury not otherwise appropriated." (10 U. S. Statutes, p. 232.)

By virtue of the two acts of Congress there was paid out of the United States Treasury to the Spanish consul at New Orleans \$12,632.05, and to twenty-two private individuals the sum of \$71,131.65, making a total payment to Spanish subjects, on account of the damages caused by the riots of New Orleans and Key West, of \$83,813.70.

No. 2.

*Cheng Tsao Ju to Mr. Bayard.*CHINESE LEGATION,
Washington, D. C., February 15, 1886.

SIR: It is with profound regret that I am compelled by a stern sense of duty to bring to the immediate and urgent attention of your excellency the deplorable and defenseless condition of many thousands of my countrymen resident in the States and Territories of this Union adjacent to the Pacific Ocean.

In various notes and personal interviews, during the past few months, I have given you information of particular localities and special instances where Chinese subjects have suffered mob violence, resulting in the loss of many lives, the destruction of much property, the breaking up of their business, and banishment from their homes. I am gratified to recognize the fact that you have given an earnest hearing to these representations, and through your active interposition his Excellency the President of this nation has by prompt executive action prevented much greater loss of life and destruction of property.

I desire to do the most ample justice to the spirit of rectitude and international good faith which animates the Government of the United States in its relations with that of his imperial Chinese Majesty, and to commend in the highest terms the measures which have recently been adopted to protect the Chinese in certain of the Territories.

But aside from the representations which have been made to you by this legation, your excellency must be aware of the fact that there exists in the States and Territories named a concerted and widespread movement to deprive the Chinese residents of the protection and rights guaranteed to them by the treaties. The public press gives daily information of plans and resolutions, by organizations of great influence and power, for the continued and increased persecution of my countrymen, and accounts are constantly given of the execution of those lawless and violent measures. I am greatly grieved to have to assure you that these newspaper reports are but a very faint description of the real situation of these matters. Information which has been sent to this legation from sources which I am bound to credit represents the condition of my countrymen in the Territories and States mentioned as deplorable in the extreme. Telegrams received state that the Chinese have been driven by violence out of many places, their dwellings burned, their property robbed, and, in some instances, the people murdered, without any serious attempt being made by the authorities to prevent these acts or afford protection.

I am informed that in many other towns and cities societies have been or are being organized with the avowed purpose of expelling the Chinese from such towns forcibly if necessary; and it is said that it is the intention of these societies not only to drive them from their localities, but to secure their expulsion from America, so that driven from one town they have no assurance of protection in fleeing to another. It is reported to this legation that there are thousands of law-abiding and peaceable subjects of China in the States and Territories named who have no place of safety in which to dwell, and that property to the value of many millions of dollars has no protection, so that the suffering is inexpressible. The outbreak is very dangerous and threatens to be wide-spread. The Chinese people are absolutely terrorized, and are flocking to San Francisco, where great destitution now exists among them. The bodily suffering falls most heavily upon the laborers, who when driven out or compelled to leave through fear of mob violence, usually lose by robbery or abandonment all that they possess, and are coming to San Francisco in large numbers and in wretched condition of poverty and fear.

But this is not the only injury that is being perpetrated. It is doubtless known to your excellency that a large amount of capital and property has been invested in the Pacific States and Territories by Chinese merchants under the guarantees of our treaties, and upon their faith in the protection afforded by America to property and its respect for law and order. In these outbreaks which have occurred the mobs have not confined their work of violence to Chinese laborers, but Chinese merchants and traders as well have been driven out. I have reason to fear that if this work of expulsion goes on all the Chinese mercantile establishments in these States and Territories will be irretrievably ruined, and thus the disaster be greatly aggravated.

In view of these facts, and of what is made public in the newspaper press of this country, I deem it my duty to make an earnest appeal to your excellency, and through you to the noble President of this great nation, for the adoption of such prompt and vigorous measures as will secure to my persecuted and outraged countrymen the protection to their lives, their homes, and their property, which is guaranteed to them by the solemn treaties between the two Governments. It does not become me to indicate what these measures should be. Neither is it my province to consider the internal relations of Government or the workings of the domestic laws of this country. I can only appeal to the Executive head of this Federal Government with which the treaties have been cele-

brated, and I make my appeal with the most assured confidence that suitable measures will be adopted to put an end to the reign of terror and persecution which now exists among my countrymen.

I need not repeat the citations contained in my note of November 30 last to show what has been the attitude of the Government of the United States when its citizens have been placed in jeopardy by mob violence in China, and the conduct of my government in such instances. Your excellency has given me too many proofs of your high sense of justice and humanity, and of your solicitous desire to observe in perfect good faith the treaty guarantees to permit me to doubt a favorable response to this, my request. I only desire to add, that I deem the present condition of affairs, especially in California, involves great dangers, and to express the hope that the measures which may be taken will be prompt and effective.

Accept, sir, the renewed assurance of my highest considerations.

CHENG TSAO JU.

No. 3.

COPIES OF SUNDRY TELEGRAMS RELATIVE TO THE TREATMENT OF CHINESE ON THE PACIFIC COAST, COMMUNICATED BY THE CHINESE LEGATION IN WASHINGTON TO THE DEPARTMENT OF STATE.

Kwong Lun Hing & Co. to Cheng Tsao Ju.

[Telegram.]

SAN FRANCISCO,

February 11, 1886. (Received February 15.)

The Chew Yet Chinese Merchants' Exchange of San Francisco respectfully represent to your excellency that at the present time no protection is afforded the Chinese merchants in California outside of San Francisco. Chinese have already been driven out of many towns, notably; Redding, Bloomfield, Boulder Creek, Eureka, and many other places, without any attempt being made by the officials to prevent the same, and threats are now being made to drive them out of nearly all the towns and cities in this State. No protection is afforded the Chinese by the governor of California or the sheriffs of the different counties.

Already our business has been seriously injured, as the indebtedness due us from country merchants is very large, and if the Chinese are driven out of all the towns the merchants of San Francisco will be absolutely ruined. We earnestly entreat that you will take such immediate steps as will afford us and our property protection.

Chew Yet Chinese Merchants' Exchange.

KWONG-LUN HING & CO., *President.*
MAN LEE & CO., *Secretary.*

Lee Kim Wah to Cheny Tsao Ju.

[Telegram.]

SAN FRANCISCO, February 13, 1886.

The Chinese Six Companies of California respectfully represent to your excellency that at the present time the condition of our countrymen on this coast is deplorable in the extreme. The Chinese have been driven out of many towns, burning our dwellings, robbing our property, and murdering our people, without any attempt being made to prevent the same; and in many other towns and cities are organized societies with the avowed purpose of expelling the Chinese from such towns, forcibly, if necessary, or planning to drive all the Chinese from America. Our suffering is inexpressible. There are over one hundred thousand Chinese who have no place of safety in which to dwell, and many millions of dollars of property have no protection. This outbreak is very dangerous; our people are absolutely terrorized, and are flocking to San Francisco, where great destitution now exists among them.

The business of our merchants has also suffered greatly. If this expulsion of our people from the various towns and cities continues, our merchants will be irretrievably

ruined. The laborers, who can ill afford it, also suffer great loss by being summarily driven out or compelled to leave through fear of mob violence, and are coming to this city in large numbers and in a destitute condition. Absolutely no protection is afforded our people by the governor of this State or the sheriffs of the various counties. We earnestly and respectfully request you to immediately call the attention of the Tsung-li Yamèn with this meaning to call a convention of the ministers of all nationalities to talk over this matter and send the result of their conclusion to the President of the United States, asking him to send troops to protect all the Chinese by our treaty with this country. We will send also cable dispatch to Chinese Government after you have sent your answer.

Yours, &c.,

CHINESE SIX COMPANIES,
By LEE KIM WAH,
President.

Mr. Owyang Ming to Mr. Chang.

[Telegram.]

SAN FRANCISCO,

February 16, 1886. (Received February 19.)

Petition from Chinese merchants resident in Portland, Oreg., asking protection against threatened outrages, forwarded to you to-day; immediate action asked.

OWYANG MING.

Mr. Owyang Ming to Mr. Cheng.

[Telegram.]

SAN FRANCISCO, *February 18, 1886.*

Chinese were driven out of Nicolaus, Sutter County, by a mob last night. We sent the following dispatch to governor:

"The following dispatch from Marysville, Cal., just received at this office, at half past 1 this morning:

"A mob attacked Chinese residents at Nicolaus, drove them on board a steamer; ask governor to protect us immediately.

"Will you please give your immediate attention to this.

"OWYANG MING,
"Consul-General.
"F. A. B., Consul."

His reply is the same in all cases like this:

"The sheriff of Sutter County has not notified me of his inability to enforce the law in his county.

"GEORGE HONEMAN,
"Governor."

Call the attention of Secretary to this.

OWYANG MING.

No. 4.

Mr. Bayard to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, February 18, 1886.

SIR: I have the honor to acknowledge the receipt of the very interesting and important communications which you addressed to me on the 30th of November last, touching the treatment of Chinese subjects in the United States.

The subject to which your note relates has already received the most earnest and careful consideration of the President, in whose annual messages to the Houses of Congress

in December last you cannot have failed to note very impressive recommendations fully recognizing the responsibility of this Government to observe, in letter and in spirit, the duties of benignity and friendship to which your note refers, as set forth in the treaties of 1868 and 1880, between the United States and China. And, although my formal reply to your note has been somewhat delayed, owing to causes beyond my control and in part painfully personal to myself, you will doubtless have observed, or at least conjectured, the influence of your communication is the following reference of the President to the condition and treatment of Chinese subjects resorting to this country.

"In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

"The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory, are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific slope may find vent in similar lawless demonstrations. All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men; and the inflexible sternness of the law in bringing the wrongdoer to justice should be insisted upon.

"Every effort has been made by this Government to prevent these violent outbreaks and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.

"Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.

The President's unambiguous and frank declarations stated have anticipated, for the most part, the tenor of my delayed reply to your note.

You and your Government are so well aware of the sincerity with which this Government professes its desire and intention to carry out in the fullest good faith all obligations springing from international comity, and inspired by the especial amity which finds expression in the several treaties between the United States and China, that it may, perhaps, be superfluous for me to reiterate assurances of our sorrow and abhorrence, caused by the lawless and cruel outrages, of which so many of your countrymen were unhappily made the victims in September last, at Rock Springs, in the Territory of Wyoming, and which have been fully and truthfully recited in your note and in the accompanying documents.

Let me assure you, however, that I but speak the voice of honest and true American citizens throughout this country and of the Government, founded on their will, when I denounce with feeling and indignation the bloody outrages and shocking wrongs which were there inflicted upon a body of your countrymen. There is nothing to extenuate such offenses against humanity and law, and not the least of the outrages upon the good name of the law was the wretched travesty of the forms of justice by a certain local officer, acting as coroner, and pretending to give a legal account of the manner in which the victims met their death.

It appears from your statements and the reports transmitted in support thereof—the accuracy of which I do not question—that twenty-eight of your countrymen were killed outright at Rock Springs, fifteen were wounded, and many more were driven from their homes, while the property of Chinese subjects to the value of upwards of \$147,000 was either destroyed or pillaged by the rioters.

My sense of humanity is no less aroused than yours to strong feelings of indignation and commiseration; but, besides this common sentiment, I feel with equal poignancy deep mortification that such a blot should have been cast upon the record of our Government of laws.

To aid in weighing the responsibility for these occurrences and to attain a clearer comprehension of the wrong, its origin, its progress, and its proper remedies, I will ask your attention to a few of the main admitted facts, as stated by yourself and as disclosed by the investigation in which, as you justly say, your official agents were importantly assisted by the presence of officers of the United States Army specially assigned for that purpose.

The region in which this outbreak occurred is not within the borders of any State of the United States, but is within the limits of Wyoming Territory. You make the point that this Territory is directly under the control of the Federal Government, and that the acts of Territorial officers are in that degree those of the United States in the

national capacity, not those of a distinct sovereignty. In this you approximately state a broad proposition, but do not accurately give its specific application.

By its enabling and organic law the Territory of Wyoming enjoys local self-government, with a full equipment of officials in every branch known to our republican forms, who are invested with full authority to maintain law and order and administer justice to all inhabitants. This Territorial government contains the usual framework of the other republics which combine to form this Union. It comprises an executive, a legislative, and a judicial branch. In the centers of population this government is as competent to discharge its administrative obligations as is the government of any State, and is responsible in the same way. Recent occurrences at Seattle, in the Territory of Washington, show this. Blood has been shed there lately under the authority of Territorial officials in successful defense and assertion of the right of certain of your countrymen to peaceable and law-observant residence.

The scene of the lamentable occurrences at Rock Springs was, however, remote from any center of population, and was marked by all the customary features of a newly and scantily settled locality. It consisted of a scattered assemblage of dwellings near a railway station and in the vicinity of some coal mines. The population was made up of men of all races, migratory in their habits; some engaged as laborers in mining, while others were employed in furnishing their supplies. Of formal recognized authority there were few representatives, and little or no attempt at organized police. It was, in short, a rude commencement of a community on the outposts of civilization, and, like all such beginnings, largely dependent for stability and order on the congruity of the elements of which it was composed.

To this remote and unprotected region, your countrymen voluntarily resorted in large numbers. The attack upon them, as your note truly states, was made suddenly by a lawless band of about 150 armed men, who had given no previous intimation of their criminal intent. These men were discontented mining laborers, who had previously sought to induce the Chinese to join with them in a concerted strike for higher wages, and their overtures being rejected, they became angered on that account. This, I believe, is the only motive for the assault discernible and alleged in the reported evidence.

On neither side, among assailants or assailed, was there any representative of the Government of China or of the United States or of the Territory of Wyoming. There was, therefore, as there could be, no official insult or wrong. Whatever occurred was between private individuals wholly devoid of official character. It was, moreover, absolutely without national character. The domestic element of an ordinary civil disturbance was wanting. The assailants, equally with the assailed, were strangers in our land. In strict truth, the hospitality of a friendly country, no less than the rights of peaceable sojourners therein, may be said to have been outraged by a body of aliens, who, being permitted by the generosity of our laws to enter our borders and roam unchecked and at will throughout its jurisdiction, freely and profitably selecting their places of abode and finding occupation therein, have abused the privileges thus accorded to them and committed gross breaches of the public peace, suddenly and doubtless with the knowledge that nowhere within summons could any police organization be found in sufficient force to stay their criminal hands.

As you are aware, in the States of the Union, and also in the organized Territories and in the District of Columbia, where the Government of the nation has its Federal seat, the conservation of the public peace is committed to the local authorities, and crimes of violence involving the lives and safety of the property of individuals are held to be in violation of the peace, and in derogation of the local laws and jurisdiction. This violation constitutes the criminality which the police of the community seeks to prevent by all rational precautions and which the law is intended to punish.

Violent assaults and homicides in all newly-settled countries are very frequent and in proportion as the social elements are incongruous and the organization of police and judiciary inchoate and imperfect.

The Government of the United States, opening its vast domain so freely to actual settlers, has extended the scope and power of the Constitution and laws over the Territories, by confiding to their local legislatures and government the duty and power of maintaining order, preserving the public peace, and punishing infractions thereof. In this respect the local authority and responsibility is in practice as self-contained in a Territory as in a State.

Moreover, this local authority and responsibility is applied to and affects all inhabitants alike. Before the law alien and native are equal. Your note, however, intimated rather than argues the existence of special and peculiar responsibility in respect to the Chinese in our midst. By argument and analogy you seek to show that a singular and exceptional obligation rests upon the United States toward Chinamen, correspondent and reciprocal to the contractual obligations of China in respect to citizens of the United States resorting thither.

An examination of the treaty stipulations becomes, therefore, most important towards an understanding of this question as stated by you. I am, of course, not unaware that your argument is essentially *ad hominem*; that it appeals to the sense of justice and fair play innate in the human breast; that it alleges that the Golden Rule "to do to others as they would have others do to them" is recited approvingly in Article XXIX of the treaty of 1858 between the two nations; and that it advances the assumption that "if the view" heretofore taken in an analogous case, "as to the obligation of the United States to make indemnity for injuries to private individuals from mob violence, should be insisted upon and adhered to by" the United States, "*China should in due reciprocity and international comity accept and practice the same principle.*" But, before this *ad hominem* argument can be duly weighed, we must know where the conventional argument actually places us, and the measure of protection and redress they actually and necessarily contemplate in the respective countries.

The conventional stipulations between the United States and China, to which you have referred, are, as you state, and as appears from their face, in no wise reciprocal. Under the respective system and nature of the two Governments, they could not have been made reciprocal, nor were they intended to be so. The frankness which animates your note will, I think, lead you to agree with me, after considering the very different organizations and policies of the Government of our respective countries which find frequent recognition in the terms of the sundry treaties between them, that the privileges and immunities of Chinese subjects now within the jurisdiction of the United States are vastly greater than ever were or are extended to American citizens who, under the restrictions of the treaties, are allowed to reside and transact business in China.

The several treaties of 1844, 1858, 1868, and 1880 are acts *in pari materia*, and no subsequent one of them abrogates those which are prior in date. There have been successive modifications, extensions, or substitutions as to special subjects, but always in express revival and renewal of pre-existing treaties; and unless abrogated in express terms or repealed impliedly by the adoption of new and inconsistent features, they all remain in force. Upon those premises, and passing all the personal and residential stipulations in review, we find restrictions expressly recognized throughout all the treaties, which prove the inability to provide reciprocity, by reason of the totally variant basis on which the administrative functions and powers of the two countries are conducted.

Until 1868 no right of emigration of Chinese subjects to the United States was ever formally extended. None was, perhaps, needed, for under our free popular Government, and in the absence of any restrictive legislation, our territory was and is equally open to all aliens. It was altogether different in China. That country was closed to alien residence as by a wall. A specific right had to be conventionally created before this exclusion could be modified. To certain classes of citizens of the United States the treaty of 1844 granted carefully restricted rights of visit and sojourn in China, but in every one of the articles which treats of transient or permanent right of residence appears the qualification that it is for purposes of trade.

Article I applies to our citizens "*resorting to China for the purposes of commerce.*"

Article III permits Americans to frequent certain specified ports, "*and to reside with their families and trade there.*"

Article IV relates to "*citizens of the United States doing business at said*" ports.

Article V refers to "*citizens of the United States lawfully engaged in commerce.*" The important Article XIX, in regard to protection, speaks of "*citizens of the United States in China peaceably attending to their affairs,*" and by "*their affairs*" we may regard the "*lawful*" commerce elsewhere spoken of in the treaty as having been uppermost in the minds of the negotiators. Not merely was the purpose of their sojourn restricted, but citizens of the United States could not, under Article XVII, lawfully transgress certain residential limits. Even within those limits they were not free to select the sites for their "*houses and places of business, and also hospitals, churches, and cemeteries.*" The "*merchants*" of the United States were not to unreasonably insist on particular spots for those objects. Their residence was expressly conditioned on its being acceptable to the native inhabitants. The treaty says, and I am sure you will recognize the force of this provision:

"The local authorities of the two Governments shall select in concert the sites for the foregoing object, having due regard to the feelings of the people in the locations thereof."

And of that found at the close of the same Article XVII:

"And in order to the preservation of the public peace, the local officers of the Government at each of the five ports shall, in concert with the consuls, define the limits beyond which it shall not be lawful for citizens of the United States to go."

The impracticability of maintaining efficient police protection in many portions of every widely extended domain was recognized by the Chinese Government when they expressly

guarded against liability in the closing paragraph of Article XXIV of the treaty of 1844, as follows:

"But if, by reason of the extent of territory and numerous population of China, it should in any case happen that the robbers cannot be apprehended or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost."

Article XII of the treaty of 1858 is a substantial reaffirmation of these conditions. And it is to be noted that this treaty of 1858, while re-enacting many of the provisions of that of 1844, and passing over others, in no place intimates any enlargement of the residential class of unoffical American citizens to include others than merchants and their families within the narrow limits aforesaid. Ten years later we find the Burlingame treaty opening with the significant declaration that the object of preceding treaties has been to give aliens certain restricted privileges of resort and residence in particular localities "for purposes of trade." Article V appears to extend the purposes of residence and resort by including "curiosity" as a motive; but even this extension is incidental to the enunciation of a principle, so that laws may be passed, not to guarantee "free migration and emigration" without limit, but to prohibit involuntary emigration—in other words, to suppress the labor and coolie traffic.

Article VII permits Americans to establish schools in China, and by implication includes American teachers in the classes admitted to restricted residence. In this, as in the other treaties, there is nothing to offset the idea of continued restriction, for Article VI, which gives to citizens of the United States visiting or residing in China "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," neither creates nor extends any right of alien sojourn, but rather confirms the announced determination of China to reserve all such rights not expressly granted.

To sum up, as the treaties stand, American citizens not of diplomatic or consular office, may resort to China trade, for curiosity, or as teachers, and then only to certain carefully limited localities, "having due regard to the feelings of the people in the location thereof." If the citizens or subjects of any other power should be granted other or greater privileges, then the citizens of the United States will have equal treatment.

On the other hand, Chinese subjects were at all times free between 1844 and 1868 to come to the United States and travel or sojourn therein, pursuing whatever lawful occupation they might see fit to engage in, without the need of treaty guarantee. The sixth article of the Burlingame treaty created no privilege in their behalf; it simply recorded an existing fact; for the Chinese were then as free to visit and sojourn in the United States as any other aliens were, and no law of regulation or inhibition was upon our statute-books.

There was, therefore, in all these years no reciprocity of treatment of the citizens or subjects of the one country within the jurisdiction of the other. There could not be, for the Chinese Government so restricted and hedged about its conceded and carefully limited privileges as to make reciprocity impossible on the part of the United States, unless taking the form of retaliation, which our system of laws makes impracticable.

The treaty of 1880 is absolutely unilateral. It conveys no hint of reciprocity. Its second article gives to Chinese teachers, students, merchants, and those actuated by motives of curiosity, and also to the Chinese laborers *then* (1880) in the United States, the right to "go and come of their own free will and accord," and, in addition to this, the same treatment as the citizens or subjects of the most favored nation. I refrain from asking you to point out to me any responsive position in any of our treaties with China which guarantees to American teachers, students, merchants, curiosity seekers, and laborers the right to "go and come of their own free will and accord," throughout the length and breadth of China, "without regard to the feelings of the people" in the localities whither they may resort. I likewise refrain from invoking the *argumentum ad hominem*, as you have done, and from inquiring whether, in thus restricting the resort and residence of aliens, China has "done as she would be done by."

I am content to assume that these restrictions are of the nature of the case, and that China has sought to confine her duty in respect of aliens within such limits as might be convenient and practicable for its exercise, but always granting no more privilege than she chooses to grant, and conceding none whatever as of right, but only as matter of convention. And (although the point is not directly allied to the object matter) you will permit me to remark that I find a pertinent illustration of the subjection of all privileges of alien sojourn in China to the mere volition of its Government rather than to principles of international usage or comity in the very narrow rights of visit and sojourn accorded by treaties even to the minister of the United States in the Chinese capital.

Passing from the question of reciprocity, whether in its sentimental or contractual aspects, to the question of the actual guarantee stipulated by the United States to Chinese

of all classes, including laborers within their jurisdiction, and of the responsibilities of this Government in the matter, we find that in the treaty of 1868, by its sixth article, the United States for the first time established, as a treaty right, the theretofore consuetudinary privilege of emigration of Chinese to this country. That article says:

"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."

This is renewed, with definition and limitation of the particular classes of Chinese to which it is applicable, in the second article of the treaty of 1880.

What is the substantial and full intent and meaning of these provisions as laid down in 1868, and again with special definition in 1880?

What "most favored nation" is to be taken as a test and for the purpose of comparing the rights of its citizens or subjects in the United States with those of China?

To constitute a special favor between nations it must exist in virtue of treaty or law, and be extended, in terms, to a particular nation as a nation. Applying this test, the citizens or subjects of no nation (unless it be those of China) have any special favor in the way of personal treatment shown them in the United States. All are treated alike, the subjects of the most powerful nations equally with others. An Englishman, a Frenchman, a German, a Russian is neither more nor less favored than one of any other nationality.

Tried by this test, will it be denied that the public and local laws throughout the United States make no distinction or discrimination unfavorable to any man by reason of his Chinese nationality, except only those Federal laws regulating, limiting, and suspending Chinese immigration which have been enacted in conformity with the express provisions of the treaty of 1880?

What are the duties of the Government of the United States under that treaty toward Chinese subjects within their jurisdiction?

The Chinese subjects now in the United States are certainly accorded all the rights, privileges, immunities, and exemptions which pertain to the citizens and subjects of the most favored nation, as is provided in the second article of the treaty. They are suffered to travel at will all over the United States, to engage in any lawful occupation, and to reside in any quarter which they may select, and there is no avenue to public justice or protection for their lives, their commercial contracts, or their property in any of its forms which is not equally open to them as to the citizens of our own country.

The same laws are administered by the same tribunals to Chinese subjects as to American citizens, save in one respect, wherein the Chinese alien is the more favored, since he has a right of option in selecting either a State or a Federal tribunal for the trial of his rights, which, in many cases, is denied for residential causes to our own citizens; and he may even at will remove his cause from a State to a Federal court.

Thus, I find in the public press the announcement that Wing Hing, on behalf of himself and others, Chinese subjects, has lately brought suit in the United States circuit court to recover \$132,000 from the city of Eureka, Humboldt County, California, for loss of property by the action of a mob in February of last year. A citizen of that State would have been compelled to resort to a State tribunal, without appeal beyond the jurisdiction of the State, whereas the Chinese plaintiff in question can carry his case on appeal to the Supreme Court at Washington, thus divesting his rights from all adverse chance of local prejudice.

I think you will thus recognize, in the same frank spirit as animates your note, that none of the protection intended by the law for our own citizens is withheld from your countrymen, but that, on the contrary, they possess noteworthy advantages in the choice of forum or the removal of their cause, of which many of our citizens are deprived.

The provision of an organized and in some cases privileged forum excludes the idea of direct recourse by the alien to other means of obtaining justice or redress. Your note argues that direct recourse to administrative or executive settlement is open to citizens of the United States in China, and instances are cited to show this. Surely, this rather proves that to the alien in China no such judicial forum is secured as to aliens in the United States.

The extraterritorial tribunals established for their own citizens or subjects by all the powers in treaty relations with China are, in principle and from the reason of the thing, incompetent to adjudicate questions touching the liability of China to aliens. In default of Chinese tribunals admittedly competent to take cognizance of the causes of foreigners, what alternative remains besides denial of justice or resort to diplomatic settlement?

The system of government which prevails in the United States, and which their public written Constitution had made well known to the Government of China at the time of our entering into treaties with that country, creates several departments, distinct in

function, yet all tending to secure justice and to maintain law and order. These three distributive divisions of the sovereign powers of the American people are entirely independent of each other, and the fundamental principle of their several action is the non-interference of their respective functions. Thus, the duty of the Executive is to carry into force the laws enacted by the legislature, and his only warrant of authority to act in any case must be found in the Constitution, or in the laws passed in pursuance thereof by the co-ordinate legislative branch.

To the judicial branch is committed the administration of remedies for all wrongs, and its courts are open, with every aid they can devise, to secure publicity and impartiality in the administration of justice to every human being found within their jurisdiction. Providing thus a remedy for all individuals, whether many or few, rich or poor, and of whatever age, sex, race, or nationality, the question of liability for reparation or indemnity for losses to individuals, occurring in any way, must be settled by the judgments of the judicial branch, unless the act complained of has been committed under official authority in pursuance of governmental orders to that end.

The Government of the United States recognizes in the fullest sense the honorable obligation of its treaty stipulations, the duties of international amity, and the potentiality of justice and equity, not trammelled by technical rulings nor limited by statute. But among such obligations are not the reparation of injuries or the satisfaction by indemnity of wrongs inflicted by individuals upon other individuals in violation of the law of the land.

Such remedies must be pursued in the proper quarter and through the avenues of justice marked out for the reparation of such wrongs.

The doctrine of the non-liability of the United States for the acts of individuals committed in violation of its laws is clear as to acts of its own citizens, and *a fortiori* in respect of aliens who abuse the privilege accorded them of residence in our midst by breaking the public peace and infringing upon the rights of others, and it has been correctly and authoritatively laid down by my predecessors in office, to whose declarations in that behalf your note refers. To that doctrine the course of this Government furnishes no exception. And in this connection I venture to say that you labor under a misapprehension in citing as an exception the action of the United States, in 1850, in respect of the violence committed upon the Spanish consulate at New Orleans by a mob of irresponsible persons unknown to the Government, and with which no officer or agent of the United States was allied.

Nothing can be clearer than the enunciation of the doctrine of Government non-liability on that occasion. While denouncing such outrages as disgraceful and in criminal violation of law and order, it was emphatically denied that the acts in question created any obligation on the part of the United States, arising out of the good faith of nations toward each other, for the losses thus occasioned, by and to individuals. Neither is there a parity between the Spanish incident of 1850 and the recent riot and massacre of the Chinese at Rock Springs. The essential feature of the first is wholly wanting in the second. The emblem of Spanish nationality had suffered an affront in a city of the United States.

The special immunity attaching to the Spanish consular representative had been impaired and he subjected to personal indignity. The incident occurred at a time when the Spanish Government had just shown its regard for and good-will toward the United States in pardoning certain American citizens who had participated in a hostile invasion of Cuba, and had incurred the condemnation of the authorities of that country. Recognizing the merciful action of the Queen of Spain in this regard, and as a responsive act of generosity and friendship tending toward good relationship, the President, while expressly denying the principle of national liability, recommended to Congress the appropriation of certain moneys to be paid to private individuals on account of the damages caused by riots at New Orleans and Key West, and to the Spanish consul at New Orleans a special indemnity as an official of Spain.

In one thing, however, the Spanish riots of 1850 and the Rock Springs massacre of 1884 are similar. Both grew out of alien animosities transplanted to our shores. The acts of the mob at Key West and New Orleans were largely, perhaps wholly, due to the resentment of disaffected Spanish subjects colonized at those points, who were ready to abuse the sacred law of hospitality and make the land of their asylum the theater of attacks on the recognized sovereignty of Spain. At Rock Springs, as I have shown, the conflict sprang from labor questions between aliens. But this has no bearing on the question of the indemnity accorded to Spain, which was, as you indeed candidly admit in your note, "a voluntary act of good-will above and beyond the strict authorization of domestic law," and, I may add, of international law also.

A measure of international obligation rests on the United States under the third article of the treaty of 1880, which, in the event of Chinese laborers or others in the United States, "meet with ill treatment at the hands of other persons," requires the

Government of the United States to "exert all its power" to devise measures for their protection and to secure to them the same "rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty."

That the power of the National Government is promptly and efficiently exercised whenever occasion unhappily arises therefor you have justly acknowledged, and it has been abundantly shown. The conditions under which this power may be applied are not always clear and are sometimes very difficult. Causes growing out of the peculiar characteristics and habits of the Chinese immigrants have induced them to segregate themselves from the rest of the residents and citizens of the United States and to refuse to mingle with the mass of population as do the members of other nationalities. As a consequence race prejudice has been more excited against them, notably among aliens of other nationalities who are more directly brought into competition with the Chinese in those ruder fields of merely manual toil wherein our skilled native labor finds it unprofitable to engage. As the conflicting elements are less law-abiding and more ignorant the class of their opposed interests is the fiercer. The question of labor competition is one that in the present condition of the world's history is causing convulsion in almost every quarter of the civilized world, and the United States, with all their breadth of territory and the advantages of local self-government by and for the people, are by no means exempt from the disorders to which the struggle for bread gives rise.

Moreover, the Chinese laborers voluntarily carry this principle of isolation and segregation into remote regions where law and authority are well known to be feeblest, and where conflicts of labor and prejudices of race may be precipitated on the slightest pretext and carried without check to limits beyond those possible where the powers of law may be better organized.

No measures can be devised to meet the problem which do not take this state of things into account, nor can they be effective if they do not contemplate the exercise of authority where it is competent to afford protection, for these measures have only for their object to secure to the Chinese the same rights as other foreigners of the most favored nations enjoy, not superior or special rights. For Chinese labor is not alone repugnant to the local communities; from many quarters of the land comes the same cry—the conflict of different alien laborers and the oppression of the weaker by the stronger. There can and should be no discrimination in applying punitive measures to all infractions of law. And so, too, with preventive measures. What will protect a Hungarian or Italian contract laborer in Pennsylvania or a Swedish "non-union" man in Ohio is equally applicable to a Chinaman on the Pacific coast.

I have traversed somewhat broader ground than is perhaps required by the propositions of your note of November 30, but I do so because your later note of February 15 appears to enlarge the area of discussion.

Reverting, however, to your appeal of November 30, which I understand to be a direct application to the sense of equity and justice of the United States for relief for the unfortunate victims of the carnage and excesses of the mob at Rock Springs, I am compelled to state most distinctly that I should fail in my duty as representing the well-founded principles upon which rests the relation of this Government to its citizens, as well as to those who are not its citizens and yet are permitted to come and go freely within its jurisdiction, did I not deny emphatically all liability to indemnify individuals, of whatever race or country, for loss growing out of violations of our public law, and declare with equal emphasis that just and ample opportunity is given to all who suffer wrong and seek reparation through the channels of justice as conducted by the judicial branch of our Government.

Yet I am frank to say that the circumstances of the case now under consideration contain features which I am disposed to believe may induce the President to recommend to the Congress, not as under obligation of treaty or principle of international law, but solely from a sentiment of generosity and pity to an innocent and unfortunate body of men, subjects of a friendly power, who, being peaceably employed within our jurisdiction, were so shockingly outraged; that in view of the gross and shameful failure of the police authorities at Rock Springs, in Wyoming Territory, to keep the peace, or even to attempt to keep the peace, or to make proper efforts to uphold the law, or punish the criminals, or make compensation for the loss of property pillaged or destroyed, it may reasonably be a subject for the benevolent consideration of Congress whether with the distinct understanding that no precedent is thereby created, or liability for want of proper enforcement of police jurisdiction in the Territories, they will not, *ex gratia*, grant pecuniary relief to the sufferers in the case now before us to the extent of the value of the property of which they were so outrageously deprived, to the grave discredit of republican institutions.

I trust you will recognize in what I have herein suggested the desire of the United States to carry into effect the "golden rule" recited in the treaty to which you have

made reference, and that in such action you will perceive our wish and purpose to confirm and perpetuate the friendship and comity which, I trust, may long exist between our respective countries. You will, I am sure, agree that in good faith, and in compliance with their obligations, the Government of the United States is strenuously asserting its power to secure the protection of your countrymen within its jurisdiction.

Accept, sir, a renewed assurance of my highest consideration.

T. F. BAYARD.