

THE CHINESE ABROAD

THEIR POSITION AND PROTECTION
A STUDY IN INTERNATIONAL LAW AND RELATIONS

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INTRODUCTION

In the pages which follow, Professor MacNair gives us a comprehensive as well as an interesting account of the Chinese abroad, of their past history and their present conditions. In doing so he makes at the same time a valuable contribution to a subject which is one of practical interest in the relations of China with other powers. The question of Chinese immigration deserves a more dispassionate study than has heretofore been given to it and calls for a solution which will be more conducive to understanding and goodwill. By gathering together the facts concerning the Chinese abroad and presenting them as he has done in a clear and systematic manner the author of this book will make such study easier and perhaps stimulate interest in the search for a more satisfactory solution.

The prevalence of the restrictive policy against Chinese immigration would lead one to think that their presence in other countries must have had a ruinous effect upon the lands of their sojourn, but Professor MacNair shows indisputably in his treatise that the facts point to the opposite conclusion. In many of the newly developed areas of the world it was the Chinese immigrants who did most of the pioneer work, whose labors, under perilous circumstances, cleared the path for the advent of European civilization, and laid the foundation for their present industrial development and prosperity. There was indeed a time when Chinese immigrants were as much welcomed as they are now objected to and when foreign governments definitely sought to conclude agreements with China not

for the purpose of securing assent to their policy of exclusion but rather with a view to obtaining her permission for the emigration of her subjects. Where the Chinese immigrants have been accorded fair and liberal treatment, as for instance in Malaysia, they have continued to thrive, and have become prosperous merchants and industrial captains side by side with European settlers. In some instances, even though conditions have not been quite so favorable because they have been subjected to certain discriminating legislation, they have nevertheless been able to overcome the handicaps and forge ahead until to-day they have become important agricultural and industrial magnates, being in control of a large share of the principal products and industries of the land. In general, their achievements abroad constitute a record of which they themselves and their compatriots at home can rightly be proud.

From the contents of the present volume it can be easily gathered that the Chinese are as a rule good immigrants. They are law-abiding and easily contented ; they have no colonizing ambition ; they do not seek to conquer the land they visit ; nor do they create political troubles of any kind for the territorial government. There is no ulterior motive behind their movements. They go about their business quietly and have established a reputation for efficiency and square dealings with others. In consideration for an opportunity to earn an honest living they are always ready to give a fair return back to society.

What are the grounds, then, upon which the policy of exclusion which a number of countries have adopted against the Chinese is to be justified ? One of the objections often raised against Chinese immigrants is that they are incapable of assimilation. The fact, however, is that in favorable

circumstances the Chinese people exhibit greater power of adaptation than the nationals of many other countries. When they have not been subjected to racial discrimination but given the same privileges and opportunities under the law as Occidentals, their adoption of new ideas and new viewpoints has been remarkably quick and their rise to prominence and wealth has proved a valuable asset to the communities in which they live. So much so, that their children in the second generation, often graduating from the highest educational institutions, become admittedly good citizens, capable and eager to assume and discharge the duties and obligations of citizenship. This is the more striking as the early Chinese emigrants went mostly from the lowest strata of Chinese society.

The economic and political aspects of the question of Chinese immigration as it confronts some countries are more complicated. In those countries where labor is organized and jealously guards its own market against possible competition from foreign immigrants and, through the exercise of the franchise, brings its political influence to bear upon the government, it can be easily conceived that the task of finding a fair and just solution for the problem is a trying one for the statesmen and legislators in those countries whose rise and maintenance in power must depend upon the vote of the people. It does not, however, follow that the measures which have heretofore been adopted by several countries for regulating Chinese immigration were the soundest and, from the international point of view, the wisest ones that could have been taken under the circumstances.

Since it will be impossible to dwell upon this point without transcending the usual limits of an introduction, I must confine myself to the expression of the hope that, as a result of a

fuller and more sympathetic study of the question of dealing with Chinese immigration, the statesmen and legislators of the countries which are confronted with it will find a new solution which will not only serve the purposes of domestic policy but also promote rather than hamper international goodwill and understanding.

On China's own part, she has been most reluctant to see her people migrate to countries where they are not welcomed, and will certainly be more so in the future. As her industrial enterprises expand and her own vast undeveloped regions open up, she can easily absorb into her own system all her surplus population from any overcrowded regions, at least for the next half a century. Indeed, within the last two decades, no less than fifteen to twenty million people have migrated from their home provinces of Chihli, Shantung, and Honan to settle in the sparsely populated regions of the north and west, notably in Manchuria and Inner Mongolia. Therefore, as a domestic question, the problem of China's surplus millions will, it appears, be automatically solved by the coming in of a new era of industrial progress. Not only will the number of emigrants seeking to make a humble living abroad likely decrease year by year, but it is hoped that those who have already left may return to their fatherland and help in its commercial and industrial development. To this latter class China owes the duty of extending proper protection, some of them, particularly those who are born abroad, finding themselves in a very anomalous and unsatisfactory condition. They are deemed by the territorial government to have lost their Chinese nationality and citizenship and yet, on the other hand, they are not recognized as full subjects or citizens of the land by the government under whose jurisdiction they live;

nor are they permitted to appeal for the diplomatic protection of the government of the country of their origin or claim the full advantage of its law. Such arrangement is manifestly unsatisfactory and inequitable.

While Professor MacNair's book is expository and not critical in its nature and does not propose solutions for the problems connected with the Chinese abroad, it is nevertheless a very important contribution to the proper study of the subject. The author has evidently spared no effort or pains in trying to secure first-hand information when gathering materials for his work and has succeeded in giving to the reader a book more comprehensive in its scope and more exhaustive in its treatment than any work of similar nature yet published. Not only is the appearance of this book certain to stimulate interest in research along the same line, but let it also be hoped that, through better appreciation of the facts, the status and treatment of Chinese abroad may be placed on a more satisfactory basis and be brought more in line with the enlightened sentiments of the present century.

V. K. WELLINGTON KOO.

PEKING, NOVEMBER 1, 1924.

FOREWORD

Chinese emigrants, compelled by economic necessity and not political ambition, are now found in almost every land in the world. They show marvelous adaptability to climatic and adverse conditions. They thrive amidst the arctic cold as well as the torrid heat, enduring physical discomforts bravely and outstripping the natives in enterprise.

In this volume, the writer has put together a mass of useful information, gathered from documents, historical records, periodicals, and yearbooks, on Chinese emigration; the story is told in an interesting way. The opening chapter shows how the Chinese were forbidden to leave the land of their fathers, the impact with the West that brought about the protection of foreigners residing in China and Chinese living abroad, and the framing of a nationality law. The chapters on "Chinese Emigration" and "Chinese in the British Empire and the New World" give the history of Chinese subjects going abroad and their number and standing in different countries. They form about two per cent of the population of China. But in every clime they are seen hard at work as hewers of wood and carriers of water, everywhere noted for their thrift, proving themselves to be useful, capable, and law-abiding citizens. To foreigners living in China the discussion of "Chinese Acquisition of Foreign Nationality" is of special interest, as it throws light on the vexed question of Chinese subjects obtaining protection of foreign governments by claiming alien citizenship in times of trouble.

The chapters on "The Chinese Alien" give a full account of the means by which the Chinese emigrants have been discriminated against and their treaty rights diminished by the countries to which they have migrated. It is interesting to note that the United States, in the matter of enacting unjust exclusion laws, in the harsh enforcement of those laws, and in the treatment of Chinese within the country, appears in an unfavorable light when compared with other nations. Americans who are not acquainted with the facts may think that the author has overdrawn the picture. As I went to the United States as an emigrant boy in 1882—a few years after the establishment of Chinese consulates and legations in foreign lands, when men were still engaged in the "sell the pig" practice secretly in Hongkong, and a few months before the Chinese Exclusion Law went into effect, — I can appreciate fully the details the author gives regarding the sufferings that were inflicted upon the Chinese through the "sand-lot" agitators. I think Professor MacNair has not at all overstated the facts; for was I not spat upon, kicked, stoned, and forced to run for my life time and again just because I was a Chinese? Moreover, the statements made are carefully documented. During recent years the sentiment towards the Chinese in America has become more wholesome; but, as the author has pointed out, the federal government has not as yet exerted its authority to compel the states to afford protection to the Chinese when they are persecuted, and the existing exclusion law and its enforcement leave much to be desired. Americans desiring to promote friendly relations with China should seek to remedy these defects.

A perusal of this comprehensive account of the Chinese abroad cannot fail to impress one with the sterling qualities of the emigrants — qualities that make them the backbone of

society in Hongkong, the Hawaiian Islands, and the Straits Settlements; but those same qualities arouse the jealousy and antagonism of the labor elements towards them in Canada, America, and Australia. They are to be admired all the more because they have attained their strength and reached their position of influence in spite of racial prejudice and without government protection. Though they have rarely received any protection from the Chinese government, yet they have shown splendid patriotism for their fatherland in recent years. They furnished much money and helped to overthrow the Manchu monarchy. After the Republic was established, a number of them turned their eyes to industrial development in China. When conditions in China become settled, they can be depended upon to furnish the necessary capital and initiative for promoting education and developing industries in China.

The relation of foreigners in China and Chinese abroad is a close one. The attacks on Chinese citizens in foreign lands are seldom heard of in China and go without redress, while the Lincheng affair was made an international incident. This sort of thing, however, will not continue. In men like Drs. W. W. Yen, Wellington Koo, C. T. Wang, and Alfred Sze, China has diplomats who can hold their own in international controversies. When once a stable government is formed, it is safe to say that China will demand the same treatment for her subjects in alien lands as she accords to foreigners living within her confines. Professor MacNair's research on the Chinese abroad will assist foreign government agents and Chinese diplomats to understand their problem, and thus help to bring about friendship between China and foreign nations.

FONG F. SEC.

SEPTEMBER, 1924.

PREFACE

In the following pages an attempt is made to give a survey of the Chinese people who have over a period of several hundreds of years settled in various parts of the world outside the jurisdiction of their native land. A considerable amount of study has in the past been directed to the field of China's international relations, and many useful works have been published as a result of such study. Comparatively little has been done, however, to show China's contributions to foreign lands, especially as regards the large numbers of her people who have settled abroad. It is somewhat surprising to see so many monographs by foreign-educated Chinese on the general subject of the foreigner in China, and to note at the same time the dearth of material handled by Chinese on the subject of the position of their fellow countrymen in foreign lands.

The material presented here has been collected during the past six years. It would be pleasant to mention the names of those who have aided the writer in gathering his material, but the list would be entirely too long. The letters and manuscript reports sent in answer to the requests for information, which have been of the utmost value, have come from diplomatic, consular, and other officials both Chinese and non-Chinese, missionaries, business and newspaper men from practically all the countries in which Chinese have settled in any considerable numbers. To all of these the writer takes pleasure in expressing sincere gratitude. Without the facts—and oftentimes valuable interpretation which accompanied them,—it would have been practically impossible to prepare

this brief survey. Especial mention, however, must be made of the valuable assistance rendered by Dr. Frank E. Hinckley, lecturer in international law in the University of California, and sometime United States Attorney in the United States Court for China. His encouragement, advice, and criticism were unsparingly given and were a constant source of inspiration during the months in which this study was being prepared.

In conclusion, a word may be said as to the system used for representing Chinese names in Roman letters: Webster's New International Dictionary has been followed in accordance with the custom of the Publishers.

H. F. M.

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CHAPTER I

THE RELATION OF CHINA TO HER NATIONALS ABROAD

The study of the problems arising from the residence of Chinese in foreign countries is one strangely enough to which considerably more attention has been paid by Western countries than by China. It is, however, one to which the Chinese government, during the past few years, has devoted considerable thought, as is witnessed by the passage in March, 1909, of her Law of Nationality; no doubt it will receive much more attention when China attains a strong, unified government. When this occurs it is likely to be followed shortly by a renewed and deepened interest on the part of those countries in whose domains Chinese emigrants have settled.

The relation of China to her emigrant nationals may be considered in three main periods: (1) prior to 1860, (2) 1860 to 1909, (3) 1909 to the present.

I

The attitude of the imperial government under the Manchu dynasty toward the emigration of its subjects during the first period may be clearly seen in two clauses annexed to Section CCXXV of the "Ta Tsing Leu Lee": "All officers of government, soldiers, and private citizens, who clandestinely proceed to sea to trade, or who remove to foreign islands for the purpose of inhabiting and cultivating the same, shall be punished according to the law against communicating with rebels and enemies, and consequently suffer death by being