

# People v. Hall

---

---

THE PEOPLE, RESPONDENT, v. GEORGE W. HALL, APPELLANT.  
Supreme Court of the State of California, 1854.

Mr. Ch. J. Murray delivered the opinion of the Court. Mr. J. Heydenfeldt concurred.

The appellant, a free white citizen of this State, was convicted of murder upon the testimony of Chinese witnesses.

The point involved in this case is the admissibility of such evidence.

The 394th section of the Act Concerning Civil Cases provides that no Indian or Negro shall be allowed to testify as a witness in any action or proceeding in which a white person is a party.

The 14th section of the Act of April 16th, 1850, regulating Criminal Proceedings, provides that “No black or mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man.”

The true point at which we are anxious to arrive is, the legal signification of the words, “black, mulatto, Indian, and white person, “ and whether the Legislature adopted them as generic terms, or intended to limit their application to specific types of the human species. . . .

The Act of Congress, in defining that description of aliens may become naturalized citizens, provides that every “free white citizen,” etc. . .

If the term “white,” as used in the Constitution, was not understood in its generic sense as including the Caucasian race, and necessarily excluding all others, where was the necessity of providing for the admission of Indians to the privilege of voting, by special legislation?

We are of the opinion that the words “white,” “Negro,” “mulatto,” “Indian,” and “black person,” wherever they occur in our Constitution and laws, must be taken in their generic sense, and that, even admitting the Indian of this continent is not of the Mongolian type, that the words “black person,” in the 14th section, must be taken as contradistinguished from white, and necessarily excludes all races other than the Caucasian.

We have carefully considered all the consequences resulting from a different rule of construction, and are satisfied that even in a doubtful case, we would be impelled to this decision on ground of public policy.

The same rule which would admit them to testify, would admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls.

This is not a speculation which exists in the excited and overheated imagination of the patriot and statesman, but it is an actual and present danger.

The anomalous spectacle of a distinct people, living in our community, recognizing no laws of this State, except through necessity, bringing with them their prejudices and national feuds, in which they indulge in open violation of law; whose medacity is proverbial; a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as their history has shown; differing in language, opinions, color, and physical conformation; between whom and ourselves nature has placed an impassable difference, is now presented, and for them is claimed, not only the right to swear away the life of a citizen, but the further privilege of participating with us in administering the affairs of our Government.