

A COMPILATION
OF THE
LAWS, TREATY, AND REGULATIONS
AND
RULINGS OF THE TREASURY DEPARTMENT
RELATING TO
THE EXCLUSION OF CHINESE.

APRIL 8, 1902.—Submitted by Mr. FORAKER and
ordered to be printed.

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TREASURY DEPARTMENT,
BUREAU OF IMMIGRATION,
Washington, D. C., October 1, 1900.

To Collectors of Customs and Others:

The following compilation of the laws, treaty, and regulations and rulings of the Department relating to the exclusion of Chinese, revised to date, is published hereby for the information and guidance of all concerned.

T. V. POWDERLY,
Commissioner-General.

Approved.

H. A. TAYLOR,
Assistant Secretary.

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CHINESE EXCLUSION LAWS.

CONVENTION OF DECEMBER 8, 1894.

(28 Stat., p. 1210.)

ARTICLE I.

The High Contracting Parties agree that for a period of ^{Extension of} ten years, beginning with the date of the exchange of the ^{period of exclu-} ratifications of this Convention, the coming, except under ^{sion.} the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

ARTICLE II.

The preceding Article shall not apply to the return to ^{Return of la-} the United States of any registered Chinese laborer who ^{borers.} has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. Nevertheless every such Chinese laborer shall, before leav- ^{—conditions.} ing the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this Treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this Treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States ^{—limitation.} shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return—which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject

—certificate. shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

ARTICLE III.

Privileged classes. The provisions of this Convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travellers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséd by the diplomatic or consular representative of the United States in the country or port whence they depart.

Certificates.

Transit of laborers across country. It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

ARTICLE IV.

Protection of Chinese. In pursuance of Article III of the Immigration Treaty between the United States and China, signed at Peking on the 17th day of November, 1880, (the 15th day of the tenth month of Kwanghsü, sixth year) it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

ARTICLE V.

Registration of resident laborers. The Government of the United States, having by an Act of the Congress, approved May 5, 1892, as amended by an Act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first named Act to be registered as in said Acts provided, with a view of affording

them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled (not merchants as defined by said Acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this Convention, and annually, thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

Reports to be
furnished Chi-
nese Govern-
ment.

ARTICLE VI.

This Convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and, if six months before the expiration of the said period of ten years, neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

Duration of pe-
riod of exclusion

In faith whereof, we, the respective plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17th day of March, A. D. 1894.

WALTER Q. GRESHAM [SEAL.]
(Chinese Signature) [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the 7th day of December one thousand eight hundred and ninety-four.

Now, therefore, be it known that I, GROVER CLEVELAND, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 8th day of December, in the year of our Lord, one thousand [SEAL.] eight hundred and ninety-four, and of the Independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,
Secretary of State.

ACT OF MAY 6, 1882.¹

(22 Stat., p. 58.)

AN ACT to execute certain treaty stipulations relating to Chinese.

Whereas, in the opinion of the Government of the United States, the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Amended by
act of July 5,
1884.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said ninety days, to remain within the United States.

Laborers ex-
cluded for period
of ten years.

Amended by
act of July 5,
1884.

Penalties.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

Exceptions.

SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and who

Amended by
act of July 5,
1884.

¹ Sections 2158-2163 of the Revised Statutes and the act of March 3, 1875 (1 Supp. R. S., 86, ch. 141), prohibit the importation of "cooleys" and women for immoral purposes.

shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*, That all Chinese laborers brought on such vessel shall depart with the vessel on leaving port.

—resident laborers.

—vessel in distress.

Identification.

¹SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and in order to furnish them with the proper evidence of their right to go from and come to the United States of their free will and accord, as provided by the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry-books to be kept for that purpose, in which shall be stated the name, age, occupation, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to, and shall receive, free of any charge or cost upon application therefor, from the collector or his deputy, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the name, age, occupation, last place of residence, personal description, and facts of identification of the Chinese laborer to whom this certificate is issued, corresponding with the said

Amended by act of July 5, 1884.

Collector to make list of laborers departing.

Certificate to be given laborer.

Amended by act of Oct. 1, 1888.

¹ See act approved October 1, 1888, which prohibits the issuance of certificates of identity of Chinese laborers and declares void such certificates issued.

list and registry in all particulars. In case any Chinese laborer after having received such certificate shall leave such vessel before her departure he shall deliver his certificate to the master of the vessel, and if such Chinese laborer shall fail to return to such vessel before her departure from port the certificate shall be delivered by the master to the collector of customs for cancellation.

Certificate filed
and canceled,
when.

The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter; and upon delivery of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom-house and duly canceled.

Departure by
land.
Amended by
act of Oct. 1, 1888.

SEC. 5. That any Chinese laborer mentioned in section four of this act being in the United States, and desiring to depart from the United States by land, shall have the right to demand and receive, free of charge or cost, a certificate of identification similar to that provided for in section four of this act to be issued to such Chinese laborers as may desire to leave the United States by water; and it is hereby made the duty of the collector of customs of the district next adjoining the foreign country to which said Chinese laborer desires to go to issue such certificate, free of charge or cost, upon application by such Chinese laborer, and to enter the same upon registry-books to be kept by him for the purpose, as provided for in section four of this act.

—certificate.

Privileged
class to be identi-
fied by certificate
from Chinese
Government.

Amended by
act of July 5,
1884.

SEC. 6. That in order to the faithful execution of articles one and two of the treaty in this act before mentioned, every Chinese person other than a laborer who may be entitled by said treaty and this act to come within the United States, and who shall be about to come to the United States, shall be identified as so entitled by the Chinese Government in each case, such identity to be evidenced by a certificate issued under the authority of said Government, which certificate shall be in the English language or (if not in the English language) accompanied by a translation into English, stating such right to come, and which certificate shall state the name, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the certificate is issued and that such person is entitled conformably to the treaty in this act mentioned to come within the United States.

Such certificate shall be prima-facie evidence of the fact set forth therein, and shall be produced to the collector of customs, or his deputy, of the port in the district in the United States at which the person named therein shall arrive. Such certificate to be prima facie evidence.

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

Penalties.

SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Master of vessel to deliver list of Chinese passengers to collector. Amended by act of July 5, 1884.

Such lists shall show the names of such passengers (and if accredited officers of the Chinese Government traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars, as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

Any willful refusal or neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

SEC. 9. That before any Chinese passengers are landed from any such vessel, the collector or his deputy shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law. Collector to examine and compare certificates and lists.

SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United Forfeiture of vessel. Amended by act of July 5, 1884.

States into which such vessel may enter or in which she may be found.

Misdemeanor;
penalty.
Amended by
act of July 5, 1884.

SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall knowingly aid or abet the same, or aid or abet the landing in the United States from any vessel of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

Certificate sole
evidence of right
to enter.
Amended by
act of July 5, 1884.

SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel.

Deportation.

And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, by direction of the President of the United States, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States.

Diplomatic offi-
cers.
Amended by
act of July 5,
1884.

SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

State laws.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Meaning of
words "Chinese
laborers."
Amended by
act of July 5,
1884.

SEC. 15. That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Approved, May 6, 1882.

ACT OF JULY 5, 1884.

(23 Stat., p. 115.)

AN ACT to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese, approved May sixth, eighteen hundred and eighty-two."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

section one of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two, is hereby amended so as to read as follows:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof; Therefore

Preamble.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States."

Period of exclusion.

Section two of said act is hereby amended so as to read as follows:

"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

Liability of master of vessel.

Section three of said act is hereby amended so as to read as follows:

"SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of

Exceptions—resident laborers.

Vessel in distress.

the United States on its voyage to any foreign port or place: *Provided*, That all Chinese laborers brought on such vessels shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."

Section four of said act is hereby amended so as to read as follows:

Repealed by
Act of Oct. 1,
1888.

SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, and in order to furnish them with the proper evidence of their right to go from and come to the United States as provided by the said act and treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborers shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer, and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry books, to be kept for that purpose in which shall be stated the individual, family, and tribal name in full, the age, occupation, when and where followed, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each such Chinese laborer, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to and shall receive, free of any charge or cost upon application therefor, from the collector or his deputy, in the name of said collector and attested by said collector's seal of office, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the individual, family, and tribal name in full, age, occupation, when and where followed, of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars.

Collector to
make list of de-
parting laborers.

Certificate to
be given laborer.

In case any Chinese laborer, after having received such certificate, shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel; and if such Chinese laborer shall fail to return to such

vessel before her departure from port, the certificate shall be delivered by the master to the collector of customs for cancellation.

The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter, and said certificate shall be the only evidence permissible to establish his right of re-entry; and upon delivering of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom-house and duly canceled.”

Certificate to be sole evidence of right to enter.

Section six of said act is hereby amended so as to read as follows:

“SEC. 6. That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such Government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

Persons other than laborers.

Permission and identification by Chinese Government.

Amended by Art. III of treaty of Dec. 8, 1894.

Certificate

If the person so applying for a certificate shall be a merchant said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word ‘merchant,’ hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

Merchants.

Travelers.

If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

Consular *visé*.

The certificate provided for in this act, and the identity of the person named therein, shall, before such person goes on board any vessel to proceed to the United States, be *visé* by the indorsement of the diplomatic representatives of the United States in the foreign country from which such certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

Certificate prima facie evidence against United States and sole evidence for holder.

Such certificate *visé* as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the collector of customs of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."

Section eight of said act is hereby amended so as to read as follows:

Master of vessel to furnish sworn list of passengers.

"SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessels pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any

other foreign Government, traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo." Penalty.

Section ten of said act is hereby amended so as to read as follows:

"SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found." Liability of vessel.

Section eleven of said act is hereby amended so as to read as follows:

"SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year." Persons aiding or abetting in lawful entry.

Section twelve of said act is amended so as to read as follows:

"SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel." Entry by land.

And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several Deportation.
Amended by act of May 5 1892.
Liability for expenses of removal.

Authority of
State officers.

States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers.

Costs of main-
tenance and re-
turn of person
having required
certificate.

And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act."

Section thirteen of said act is hereby amended so as to read as follows:

Diplomatic of-
ficers exempt.

"SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons."

Section fifteen of said act is hereby amended so as to read as follows:

Act applicable
to "Chinese"
generally;
—"laborers."
Amended by
act of Nov. 3, 1893.

"SEC. 15. That the provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power; and the words Chinese laborers, wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining."

Penalties.

SEC. 16. That any violation of any of the provisions of this act, or of the act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

Not to affect
proceedings un-
der former act.

SEC. 17. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under the act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this act had not been passed.

Approved, July 5, 1884.

ACT OF SEPTEMBER 13, 1888.

(25 Stat., p. 476.)

AN ACT to prohibit the coming of Chinese laborers to the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of the exchange of ratifications of the pending treaty between the United States of America and His Imperial Majesty the Emperor of China, signed on the twelfth day of March, anno Domini eighteen hundred and eighty-eight, it shall be unlawful for any Chinese person, whether a subject of China or of any other power, to enter the United States, except as hereinafter provided.¹

Immigration of Chinese laborers prohibited.

SEC. 2. That Chinese officials, teachers, students, merchants, or travelers for pleasure or curiosity, shall be permitted to enter the United States, but in order to entitle themselves to do so, they shall first obtain the permission of the Chinese Government, or other Government of which they may at the time be citizens or subjects.

Privileged classes.

Certificate of Chinese Government.

Such permission, and also their personal identity shall in such case be evidenced by a certificate to be made out by the diplomatic representative of the United States in the country, or of the consular representative of the United States at the port or place from which the person named therein comes. The certificate shall contain a full description of such person, of his age, height, and general physical features, and shall state his former and present occupation or profession and place of residence, and shall be made out in duplicate.

Certificate of United States consul.

—to be in duplicate.

One copy shall be delivered open to the person named and described, and the other copy shall be sealed up and delivered by the diplomatic or consular officer as aforesaid to the captain of the vessel on which the person named in the certificate sets sail for the United States, together with the sealed certificate, which shall be addressed to the collector of customs at the port where such person is to land.

There shall be delivered to the aforesaid captain a letter from the consular officer addressed to the collector of customs aforesaid, and stating that said consular officer has on a certain day delivered to the said captain a certificate

Letter to collector.

¹ In an opinion dated July 7, 1899, the Solicitor of the Treasury decided that sections 5 to 14, inclusive, of the act of September 13, 1888 (with the exception of section 12), did not depend upon the ratification of the treaty of March 12, 1888, and therefore became operative immediately upon the passage of the act. S. 21357.

of the right of the person named therein to enter the United States as a Chinese official, or other exempted person, as the case may be.

Penalties.

And any captain who lands or attempts to land a Chinese person in the United States, without having in his possession a sealed certificate as required in this section, shall be liable to the penalties prescribed in section nine of this act.

To whom applicable. "Chinese" generally.

SEC. 3. That the provisions of this act shall apply to all persons of the Chinese race, whether subjects of China or other foreign power, excepting Chinese diplomatic or consular officers and their attendants; and the words "Chinese laborers" whenever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

"Laborers." Amended by Act of Nov. 3, 1893.

Master to deliver certificate and letter to collector.

SEC. 4. That the master of any vessel arriving in the United States from any foreign port or place with any Chinese passengers on board shall, when he delivers his manifest of cargo, and if there be no cargo, when he makes legal entry of his vessel, and before landing or permitting to land any Chinese person (unless a diplomatic or consular officer, or attendant of such officer) deliver to the collector of customs of the district in which the vessel shall have arrived, the sealed certificate and letters as aforesaid, and

— also separate sworn list of Chinese passengers.

a separate list of all Chinese persons taken on board of this vessel at any foreign port or place, and of all such persons on board at the time of arrival as aforesaid. Such list shall show the names of such persons and other particulars as shown by their open certificates, or other evidences required by this act, and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

Diplomatic officers not to be landed without information from collector.

The master of any vessel, as aforesaid, shall not permit any Chinese diplomatic or consular officer or attendant of such officer to land without having first been informed by the collector of customs of the official character of such officer or attendant.

Penalties.

Any refusal or wilful neglect of the master of any vessel to comply with the provisions of this section shall incur the same penalties and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

Return of laborers prohibited.

SEC. 5. That from and after the passage of this act, no Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in the following sections.

SEC. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States, unless he has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement.

Exceptions—
wife, child, or
parent resident
here.

Property or
choses in action
of value of \$1,000
here.

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

Time of mar-
riage.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

Property and
choses in action
must be bona
fide.

Promissory
notes insuffi-
cient.

SEC. 7. That a Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to the collector of customs of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said collector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said collector such proof of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of the Treasury, and for any false swearing in relation thereto, he shall incur the penalties of perjury.

Identification
of returning la-
borer.

He shall also permit the collector to take a full description of his person, which description the collector shall retain and mark with a number.

And if the collector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.

Certificate.
—to be sole evi-
dence of right to
return.

If this last-named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

—not to be trans-
ferred.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his

Limitation.

—extension in
case of sickness
or disability.

control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the collector of customs at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States.

And no Chinese laborer shall be permitted to re-enter the United States without producing to the proper officer of the customs at the port of such entry the return certificate

herein required. A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom,

and no Chinese person, except Chinese diplomatic or consular officers and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of the Treasury.

SEC. 8. That the Secretary of the Treasury shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this act, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in articles second and third of the said treaty between the United States and the Empire of China, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said articles.

And he is hereby further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued.

SEC. 9. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed, any Chinese laborer or other Chinese person, in contravention of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished

Certificate of sickness or disability.

Return certificate indispensable.

Laborer to be admitted only at port from which he departed.

Chinese may enter only at certain ports.

Secretary of the Treasury to prescribe regulations.

—and form of certificates.

Deposit of photographs.

Violation of act by master of vessel.

with a fine of not less than five hundred dollars, nor more than one thousand dollars, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court.

Penalty.

SEC. 10. That the foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessel shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port.

Vessel in distress or touching at port.

SEC. 11. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars and imprisoned in a penitentiary for a term of not more than five years.

Forgery of certificate.

Penalty.

SEC. 12. That before any Chinese passengers are landed from any such vessel the collector, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law; and the collector shall in person decide all questions in dispute with regard to the right of any Chinese passenger to enter the United States, and his decision shall be subject to review by the Secretary of the Treasury and not otherwise.

Examination of passengers and comparison with list.

SEC. 13. That any Chinese person or person of Chinese descent found unlawfully in the United States or its Territories may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted upon a hearing and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came.

Decision of collector subject to review by Secretary of the Treasury.

Arrest of Chinese unlawfully in United States.

Deportation.

Appeal to
judge of district
court.

But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district or any officer having authority of a marshal under the provisions of this section.

Punishment of
person aiding.

And in all such cases the person who brought or aided in bringing such person into the United States shall be

—liability for ex-
penses of depor-
tation.

liable to the Government of the United States for all necessary expenses incurred in such investigation and removal;

Authority of
State officers.

and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

Diplomatic and
consular officers.

SEC. 14. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Treasury Department, without production of other evidence than that of personal identity.

Repeal of prior
acts.

[SEC. 15. That the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two, and an act to amend said act, approved July fifth, eighteen hundred and eighty-four, are hereby repealed, to take effect upon the ratification of the pending treaty as provided in section one of this act.]

Approved, September 13, 1888.

ACT OF OCTOBER 1, 1888.

(25 Stat., p. 504.)

AN ACT a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the sixth day of May, eighteen hundred and eighty-two.

Return of labor-
ers prohibited.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart, therefrom, and shall not have returned before

the passage of this act, to return to, or remain in, the United States.

SEC. 2. That no certificates of identity provided for in the fourth and fifth sections of the act to which this is a supplement shall hereafter be issued; and every certificate heretofore issued in pursuance thereof, is hereby declared void and of no effect, and the Chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

Certificates of identity forbidden—existing certificates vacated.

SEC. 3. That all the duties prescribed, liabilities, penalties, and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and twelfth sections of the act to which this is a supplement are hereby extended and made applicable to the provisions of this act.

Extension of provisions of former act.

SEC. 4. That all such part or parts of the act to which this is a supplement as are inconsistent herewith are hereby repealed.

Repeal.

Approved, October 1, 1888. Repealed by convention of 1894. Sec. 21, Op. A. G., 68.

ACT OF MAY 5, 1892.

(27 Stat., p. 25.)

AN ACT to prohibit the coming of Chinese persons into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

Extension of period of exclusion.

SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.

Deportation to China.

Deportation to country other than China.

—proviso in case of foreign tax.

Burden of proof
on Chinese.

SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

Imprisonment.
Void. See Wong
Wing v. U. S., 163
U. S., 228.

SEC. 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided.

Writ of habeas
corpus.

SEC. 5. That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

Bail not al-
lowed.

Registration of
resident laborers.
Amended by
act of Nov. 3,
1893.

SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act; and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Deportation.

Excuses.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court.

Loss of certificate.

And any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.

Persons not laborers.

SEC. 7. That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants.

Secretary of Treasury to prescribe rules and forms.

Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

Contents of certificate.

SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

Forgery

SEC. 9. The Secretary of the Treasury may authorize the payment of such compensation in the nature of fees to the collectors of internal revenue, for services performed under the provisions of this act, in addition to salaries now allowed by law, as he shall deem necessary, not exceeding the sum of one dollar for each certificate issued.

Fees for services.

Approved, May 5, 1892.

NOTE.—The act of March 3, 1893, for the enforcement of the immigration and contract labor laws, does not apply to Chinese persons. Sec. 10, 27 Stat., 569.

ACT OF NOVEMBER 3, 1893.

(28 Stat., p. 7.)

AN ACT to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May fifth eighteen hundred and ninety-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section six of an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, is hereby amended so as to read as follows:

Resident laborers must register.

"SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States who are entitled to remain in the United States before the passage of the act to which this is an amendment to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence; and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the fifth of May, eighteen hundred and ninety-two; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Arrest.

Deportation.

Excuses.

Loss of certificate.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall

be in the discretion of the court; and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and that no proceedings for a violation of the provisions of said section six of said act of May fifth, eighteen hundred and ninety-two, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued:”

Persons other than laborers.

Proceedings under former act discontinued.

Provided, That no Chinese person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act; but all such persons who are now subject to deportation for failure or refusal to comply with the act to which this is an amendment shall be deported from the United States as in said act and in this act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

Felons can not register.

Deportation.

SEC. 2. The words “laborer” or “laborers,” wherever used in this act, or in the act to which this is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

“Laborer” defined.

The term “merchant,” as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

“Merchant” defined.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.

Evidence to establish former residence of merchant.

Such order of deportation shall be executed by the United States marshal of the district within which such

Execution of order of deportation.

order is made, and he shall execute the same with all convenient dispatch; and pending the execution of such order such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to bail.

Bail not allowed.
Photograph of resident.

The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence, and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Chinaman makes application.

Such photograph in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury.

Approved, November 3, 1893.

(NOTE.—By act of December 7th, 1893, collectors are not entitled to fees for registering Chinese. 28 Stat., p. 575.)

ACT OF AUGUST 18, 1894.

(28 Stat., p. 390.)

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

Be it enacted, etc.,

* * * * *

Finality of decision.

In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury.

* * * * *

Approved, August 18, 1894.

JOINT RESOLUTION OF JULY 7, 1893.

(U. S. Stat., 1897-98, p. 751.)

* * * There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

ACT OF JUNE 6, 1900.

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Be it enacted, etc.,

* * * * *
 * * * and hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of the Treasury.

Commissioner-General of Immigration shall administer Chinese exclusion laws.

Approved, June 6, 1900.

REGULATIONS.

CLASSES OF CHINESE ADMITTED TO THE UNITED STATES.

1. The provisions of law permitting the admission of Chinese persons to the United States and prescribing the classes of Chinese persons entitled to such admission and the conditions thereof are as follows:

The Chinese exclusion act approved July 5, 1884, provided "that from and after the passage of this act, and until the expiration of ten years after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain in the United States."

2. Section 6 of said act provides the course to be pursued by Chinese persons, other than laborers, who by treaty or by said act are entitled to come within the United States, and requires that the certificates therein required "shall be produced to the collector of customs of the port in the district in the United States at which the person named thereon shall arrive, and afterwards produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."

Section 12 of said act provides "that no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of *customs* the certificate in this act required of Chinese persons seeking to land from a vessel."

And directs that any Chinese person found unlawfully in the United States shall be caused to be removed therefrom to the country from whence he came *and* at the cost of the United States.

Section 1 of "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, continued in force for the period of ten years from the passage of that act all laws then in force prohibiting and regulating the coming of Chinese into this country.

3. Section 2 of the amendatory act, approved November 3, 1893, requires a Chinaman making application for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, to establish by the testimony of two credible witnesses other than Chinese, the fact that he conducted business as a merchant for at least one year before his departure from the United States.

4. In the act making appropriations for sundry civil expenses approved August 18, 1894, it is enacted that, "in every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigrant or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury."

5. Article 1 of our treaty of 1894 with China provides that for ten years the coming of Chinese laborers to the United States shall be absolutely prohibited, except under the conditions specified in said treaty; and article 2 of said treaty provides that the preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts of like amount due him and pending settlement, and further provides that certain things shall be done by the Chinaman before leaving this country, and that he shall be furnished by the collector with such certificate of his right to return under the treaty as the laws of the United States may prescribe, and said article concludes as follows: "And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificates herein required."

CHINESE OF EXEMPT CLASS.

6. Chinese persons of the exempt class, who are residents of Hongkong, but not British subjects, should be required to present, as a condition precedent to their admission to the United States, the certificate prescribed by section 6 of the act of July 5, 1884, issued by the government of the colony of Hongkong. The registrar-general is the proper representative of the colonial government at the place named to issue such certificates. (Opinion of Attorney-General, May 20, 1896; S. 17140.)

7. The chief comptrollers of Chinese immigration at Victoria, Vancouver, and New Westminster, British Columbia, have been authorized to issue to Chinese persons of the exempt class the certificates prescribed by section 6 of the act of July 5, 1884. (S. 20571.)

8. The officers of the United States Army acting as collectors of customs in Cuba and Porto Rico are authorized to issue to Chinese persons of the exempt class the certificates prescribed by section 6 of the act of July 5, 1884. (S. 20715, 20765.)

9. No Mexican functionary or employee has authority to issue to Chinese of the exempt class the certificates prescribed by section 6 of the act of July 5, 1884. Collectors should deny admission to Chinese who present certificates purporting to have been issued by any official in Mexico, and report the tender thereof, and their action thereon, to the Department. (S. 21252.)

10. There is no authority to be derived from our existing laws granting to consular officers of China in a foreign country the right to issue the certificates prescribed by section 6 of the act of July 5, 1884. Chinese of the exempt class coming from China and seeking admission into the United States must present the certificate prescribed by section 6 of the act of July 5, 1884, issued by the Government of China, and those coming from other foreign countries, in which they are merchants, must produce the certificates of the governments of such countries, and not the certificates of consular, customs, or other subordinate officers. (Opinion of Attorney-General, August 31, 1898; S. 20079.)

11. The statute does not authorize the issuance of the certificates prescribed by section 6 of the act of July 5, 1884, to Chinese persons of the exempt classes by consular officers of China stationed in the United States. (Opinion of Solicitor of Treasury, February 3, 1898; S. 18954.)

12. Chinese persons known as "traders" should not be allowed to land in this country, even though they submit the certificate prescribed by section 6 of the act of July 5, 1884. "The true theory is not that all Chinese persons may enter this country who are not forbidden, but that only those are entitled to enter who are expressly allowed." Collectors of customs are directed to admit only Chinese whose occupation or station clearly indicates that they are members of the exempt class of Chinese named in Article III of the treaty with China, viz: "Chinese subjects, being officials, teachers, students, merchants or travelers for curiosity or pleasure," and to deny admission to Chinese persons described as salesmen, clerks, buyers, bookkeepers, accountants, managers, storekeepers, apprentices, agents, cashiers, physicians, proprietors of restaurants, etc. (Opinion of Attorney-General, July 15, 1898; S. 19677.)

13. The wives and minor children of Chinese persons of the exempt class are not required to present, as a condition precedent to landing, the certificate prescribed by section 6 of the act of July 5, 1884, when the fact is established to the satisfaction of the authorities that the person claiming to enter, either as wife or minor child, is in fact the wife or minor child of one of the members of a class mentioned in the treaty as entitled to enter. (Decision of the Supreme Court of the United States, No. 123, October term, 1899; S. 22056.)

14. The wife of a Chinese person described as an interpreter can not be admitted on a certificate in the form prescribed by section 6 of the act of July 5, 1884, not being of the class expressly exempted from the operation of the Chinese exclusion laws. (Opinion of Solicitor of Treasury, March 14, 1899; S. 20893.)

15. A Chinese student in China, desiring to enter the United States for purposes of study, must first obtain the certificate from the Chinese

Government, as required by section 6, act of July 5, 1884. (Letter to Mr. E. Van Renssalaer, September 6, 1892.)

16. A Chinese student is "a person who intends to pursue some of the higher branches of study, or one who seeks to be fitted for some particular profession or occupation for which facilities of study are not afforded in his own country; one for whose support and maintenance in this country, as a student, provision has been made, and who, upon completion of his studies, expects to return to China." (Opinion of Solicitor of Treasury, June 15, 1900.)

17. Chinese who were admitted as students, but without the certificates prescribed by section 6 of the act of July 5, 1884, and on their arrival in this country become laborers, are not entitled to remain in the United States, and should be deported. (United States *v.* Chu Chee, 87 Federal Rep., 312. S. 20868.)

18. If a Chinese person secures admission to this country as a merchant, and soon ceases to be one and becomes a laborer, such fact ought to have a bearing on the intent with which he came here, and if from all the facts of the case it can be determined that he used the former mercantile occupation as a pretext to come here, with the real intent and purpose of laboring only when here, such former occupation would not shield him, even if his certificate of entry be correct in form and substance, and he is not lawfully entitled to be and remain in the United States. (United States *v.* Yong Yew, 83 Federal Rep., 832; S. 18575.)

19. Omission from certificates of any of the statements enumerated in the law would seem to be fatal to the sufficiency of the certificate as evidence of the holder's right to enter the United States. (Letter to Attorney-General, September 6, 1892.)

20. Certificates presented by merchants seeking admission into this country must contain statements as to the nature, character, and estimated value of business, as required by the act of July 5, 1884. The fact that the consular *visé* contains this information which has been omitted from the certificate is not sufficient to enable the applicant to enter. The statute requires the guarantee of the certificate as well as of the *visé* upon each point. (Letter to Grant & Skeans, April 12, 1894, based upon opinion of Attorney-General.)

21. A passport signed by the Chinese consul-general at San Francisco and presented by a Chinaman as an evidence of his right to enter the United States would not be regarded by the Department as answering the requirements of section 6 of the act of July 5, 1884. (Letter to Special Agent Hanlon, September 1, 1893.)

22. A Chinaman claiming to be a merchant and a naturalized citizen of Canada sought admission into the United States without the production of the certificate required by section 6 of the act of July 5, 1884,

presenting in lieu thereof, in support of his application for admission, the certificate of naturalization as a British subject and a passport issued by the Governor-General of Canada. Upon reference of the subject to the Attorney-General, in an opinion dated January 30, 1895, that officer stated that the certificate before mentioned should be required whether the Chinaman comes direct from China or from some other foreign government of which he may be a subject. He states further that the restrictions and disabilities of the Chinese exclusion laws are based on moral and racial objections, and not that the Chinese applying for admission to the United States are subjects of the Emperor of China. (Letter to collector at Burlington, February 2, 1895.)

23. A Chinaman, a naturalized citizen of Mexico, who sought admission to this country upon the ground of his affiliation with the Mexican Government was excluded in accordance with the opinion of the Attorney-General dated January 30, 1895. (Letter to Secretary of State, April 20, 1896.)

24. A Chinaman who resided for six years in this country and then returned to China, and who, after a lapse of twenty years, during which he was engaged as a merchant in China, desires to return to the United States with a view of making this country his permanent home, will be admitted only upon the production of the certificate required by law. (Letter to Lighthall & McDonald, December 7, 1894.)

25. A Chinese person who has resided for twenty-two years in the United States, and who now desires to visit China for a short period, would, upon his return, be amenable to the laws and decisions governing the entry of Chinese persons into this country. (Letter to Mr. W. R. Stringfellow, December 14, 1892.)

26. The treaty with China promulgated December 8, 1894, does not waive the requirement that Chinese merchants and others of the exempt class shall present at the port of first arrival the certificate provided by section 6 of the act approved July 5, 1884. (Letter to Secretary of State, September 24, 1894.)

27. The certificates prescribed by section 6 of the act of July 5, 1884, on which Chinese of the exempt class were admitted to the United States, should be canceled by collectors by writing across the face thereof in red ink the fact of the admission and the date thereof, and should then be returned to such Chinese persons as evidence to protect them from arrest. The papers of all Chinese persons denied admission and the testimony presented by them should be retained by collectors of customs with an indorsement of such action thereon. (S. 20583.)

RETURNING CHINESE MERCHANTS.

28. When an application is made by a Chinese person for entrance into the United States as a returning merchant, section 2 of the act of November 3, 1893, requires that he shall establish by the testimony of

two credible witnesses, other than Chinese, the fact that he conducted business as a merchant for at least one year before his departure from this country, and that during such year he was not engaged in the performance of any manual labor except such as was necessary in the conduct of his business as a merchant. This requirement of law is not complied with when the persons who certify to an acquaintance with the applicant for admission do not state that he conducted business here as a merchant for one year prior to his departure, and the statements made by said persons are not sworn to. (S. 17555.)

29. In the enforcement of the provisions of section 2 of the act of November 3, 1893, relating to the application for admission of alleged returning Chinese merchants, it will not be enough to have witnesses testify that an applicant for at least one year before his departure from the United States was not engaged in the performance of any manual labor except such as was necessary in the conduct of his business as such merchant, but the testimony should show specifically the kind of work the Chinaman has done during the entire year, and, after detailing the character of such work, should say that he has not performed any other labor than that specifically set forth. (S. 21039.)

30. Held, that section 6 of the Chinese exclusion act of May 6, 1882, as amended by the act of July 5, 1884 (23 Stat., 115), does not apply to merchants already domiciled in the United States, who, having left the country for temporary purposes with the intention of returning, seek to reenter it on their return to their business and their homes. (Case of Lau Ow Bew, 141 U. S., 583.)

31. Chinese merchants, who desire to enter for the first time the United States, must present the certificate required by law. The privilege of entry without certificate is accorded those merchants only who have been formerly merchants resident in the United States. (Letter to Mr. D. McCormick, December 8, 1892.)

32. Section 2 of the act of November 3, 1893, defines a merchant to be "a person engaged in buying and selling merchandise, at a fixed place of business, *whose business is conducted in his name.*" * * *

In the case of *Lee Kan v. United States* (62 Fed. Rep., 914), decided in the circuit court of appeals for the ninth circuit, it was held that the requirements of section 2 of the act of November 3, 1893, to the effect that a merchant must conduct his business in his own name, were fulfilled if the Chinaman could prove that he was an actual bona fide partner of a legitimate mercantile firm, even though his name did not appear in the firm name. The Attorney-General states that the decision of the circuit court of appeals in this case is final.

The practice of officers of this Department will, therefore, conform to the decision in the case of *Lee Kan*, cited above.

33. The fact that a Chinese person has sold goods at some indefinite time, and in small quantities, does not constitute him a merchant. (Letter to Mr. P. C. Mueller, September 1, 1892.)

34. A minor child who is attending school in this country, and whose father, a merchant, is a member of the exempt class, would be entitled to readmission to this country after a visit to China upon proof of these facts to the satisfaction of the collector of customs at the port of first arrival. (Letter to Inspector Stokes, October 10, 1893.)

35. A Chinese person who has clandestinely entered this country can not acquire a right to remain here, or to return to the United States, by qualifying himself as a merchant. (Opinion of Solicitor of Treasury, March 30, 1899; S. 20943.)

36. The practice of requiring Chinese merchants or other Chinese persons returning to this country to present evidence of their right to enter the United States to the collector or deputy collector of customs in the district to which admission is desired is based upon section 9 of the act of May 6, 1882, and the clause in the act of August 18, 1894, which makes final the decision of the appropriate customs or immigration officer if adverse to the admission of alien, etc., unless reversed on appeal to the Secretary of the Treasury. (Opinion of Solicitor of Treasury, February 6, 1896. Letter to collector at Burlington, February 18, 1896.)

37. The evidence upon which returning Chinese merchants are admitted to the United States prescribed by section 2 of the act of November 3, 1893, must be retained and filed by customs officers. If such testimony is presented in duplicate one copy may be returned to the applicant, if he so desires (S. 18513, 18574). The fact, date, and place of admission should be indorsed thereon by the collector.

38. In view of the many cases of hardship due to delays in the investigation and consideration of cases of Chinese persons seeking admission to the United States as alleged returning merchants, and on account of the many fraudulent cases of this character, any Chinese person who may hereafter leave this country with the intention of seeking readmission as an alleged returning merchant under the provisions of section 2 of the act of November 3, 1893, should transmit to the collector of customs at the port from which such Chinese person intends to depart from the United States, at least thirty days before his departure from this country, duplicates of the affidavits of witnesses other than Chinese, setting forth the facts prescribed by the statute referred to, upon which he intends to base his application for readmission. Upon the receipt of such duplicates, the collector at such port of departure will promptly transmit them to the collector of customs, special agent, or other officer of this Department at or nearest to the place in which such Chinese person claims to have been engaged as merchant, for investigation and report. After the receipt of such report, and upon the personal application and proper identification of such Chinese person, the collector at the port of departure may indorse upon the original papers presented by such Chinese person a statement, over his official signature, to the effect that the right of such Chinese person

to return to the United States has been prima facie determined, subject to his proper identification by and the presentation of such original papers to said collector upon his return to this country; and upon the return of such Chinese person to said port of departure, the collector may, in his discretion, admit him to this country without further delay.

While Chinese persons seeking admission as returning^g merchants can not be excluded upon the ground that they have failed to comply with the foregoing regulations, such failure on the part of those leaving this country after this date would be a fact exciting suspicion and discrediting to the application for readmission, and the regulations heretofore issued will govern the procedure in such cases. (Dept. Cir. No. 28, Mar. 3, 1900.)

REGISTERED CHINESE LABORERS.

39. Sections 5 to 14, inclusive, of the act of September 13, 1888 (with the exception of section 12), did not depend upon the ratification of the treaty of March 12, 1888, and therefore became operative immediately upon the passage of the act. (Opinion of Solicitor of Treasury, July 7, 1899.) The changes in the administration of the law relating to the return of Chinese laborers, involved in the enforcement of the act of September 13, 1888, set forth in the Solicitor's letter, should go into effect at once. (S. 21357.)

40. In pursuance of the provisions of article 2 of the treaty with China, promulgated December 8, 1894, and of sections 6 and 7 of the act of September 13, 1888, a Chinese laborer who has resided and registered in the United States and shall hereafter depart therefrom, and who may have a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts of like amount due him and pending settlement, may be permitted to return. The marriage to such wife¹ must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife. If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading the law, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.²

41. A Chinese person claiming the right to be permitted to leave the United States and return thereto as a duly registered laborer shall apply in person to the collector of customs for the district in which he resides at least a month prior to the time of his departure; shall deposit with said collector a certificate of registration from the internal-revenue collector for the district in which he resided at the time of registration; and shall make on oath before the said collector, in writing, a full statement descriptive of his family, or property, or debts, as the case may be, and fully describing himself, giving his name, age, height,

¹ Section 6, act of September 13, 1888.

² Section 7, act of September 13, 1888.

local residence, occupation, color of eyes and complexion, and distinguishing marks, if any, and naming the port from which he expects to depart from the United States, which shall be one of those designated in paragraph 42. Such written description shall be filed in duplicate, and to each shall be permanently attached a photograph of the Chinese person referred to therein.¹ The collector of customs, or his deputy, with whom such certificate of registration and written description are filed, will make a thorough examination to ascertain whether the applicant is registered, and as to the accuracy of the descriptive statement; that the photograph accompanying the latter for the purpose of identification is that of the person described in such certificate and statement, and that his height, weight, and descriptive physical marks are accurately given, and will then write his official signature in part across such photograph and in part upon the adjoining portion of the written descriptive statement, to prevent substitution. The collector referred to will then transmit the certificate of registration to the internal-revenue collector by whom the same purports to have been issued, for comparison with the record thereof in his office, in respect not only to name and date therein, but in all other particulars. At the same time the collector of customs will in person or through the special agent for the district make thorough investigation as to the facts stated therein. As soon as practicable thereafter, the collector of customs referred to will transmit such registration certificate, one copy of the sworn statement, and the reports of investigation to the collector of customs for the district from which such Chinese laborer intends to depart from the United States, and at the same time will transmit to said Chinese laborer the duplicate copy of such sworn statement, with instructions to present the same in person to the collector of customs or his deputy at the port of departure. Upon the receipt of such certificate of registration, the duplicate copies of said sworn statement, and the reports of investigation, the collector of customs or his deputy at said port of departure, after one month from the date of the filing of the original application in the office of the collector for the district in which such Chinese laborer resides, if he finds that the person presenting such duplicate statement is the Chinese person therein described, and is entitled thereto, may sign and give to such person, on his departure from said port, a certificate containing the number of the description referred to, in the following form:

No.

UNITED STATES OF AMERICA.

Certificate issued to Chinese laborer departing from the United States with the intention of returning thereto under the treaty between the United States of America and the Empire of China signed March 17, 1894, and proclaimed by the President of the United States December 8, 1894.

This is to certify that _____, a Chinese laborer, described in identification paper numbered _____, port of _____, departed from this port for _____ on this _____

¹Section 7, act of September 13, 1888.

day of —, 190 , with the intention of returning to the United States via this port within twelve months from said date.

Given under my hand and seal this — day of —, 190 , at —, State of —.

COLLECTOR'S }
SEAL. } *Collector of Customs, Port of —, District of —.*

If the last-named certificate be transferred, it shall become void, and the person to whom it was given by the collector shall forfeit his right to return to the United States.¹

The certified description should be carefully preserved by the collector at the port of exit as a means of identification of the Chinese person therein mentioned, and who, in order to avail himself of the privilege conferred by said article 2 of the treaty, must return via the port of departure within one year from the date of his leaving the United States, unless prevented by sickness or other disability beyond his control, in which event the facts shall be officially certified by the Chinese consul at said port of departure to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States.²

42. No Chinese person shall be permitted to enter the United States without producing to the collector of customs or his deputy at the port of such entry the return certificate herein required. A Chinese laborer, possessing a return certificate in the form prescribed above, shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oreg.; Boston, New York, New Orleans, Port Townsend, Richford, St. Albans, Plattsburg, Niagara Falls, Buffalo, Key West, Tampa, Mobile, Eagle Pass, Laredo, El Paso, Nogales, San Diego, Astoria, Pembina, and Honolulu.¹

43. The collector at the port of departure shall send a copy of the certified description, with photograph of the person therein named attached, and also one of the stubs hereinafter referred to, to the Department; said stub and said copy of the certified description shall be filed together.

Certificates as above described, with a serial number attached, will be issued to collectors of customs at ports from which Chinese depart upon application therefor to the Department. In all instances collectors will fill out the blanks on the stubs of the certificates. Collectors of customs will submit reports to the Department weekly of Chinese persons departing from and returning to their respective ports under the treaty herein referred to, debiting themselves with the number of certificates received from the Department, crediting themselves with the number used, and reporting the number remaining on hand. The collector shall cancel all certificates presented on admission of returning Chinese, and forward said certificates so canceled to the Department.

¹ Section 7, act of September 13, 1888.

² Article II, treaty with China of December 8, 1894.

Collectors will also make weekly report of Chinese persons seeking admission into the United States through their ports, giving the names, description, occupation, and places of destination in the United States of those admitted, including the names of firms to which alleged returning merchants claim to belong, and the evidence upon which such action is based, and also the names, description, and occupation of those to whom admission is refused, and the reason for such refusal; also the names, description, and occupation of such persons permitted to land for transit through the United States, (S. 14186).

44. It is to be understood that these regulations apply only to registered Chinese laborers now residing in the United States who may depart therefrom with the intention of returning thereto, and that nothing herein contained shall be construed as affecting in any manner the requirement for the production of the certificate provided for by section 6 of the act approved July 5, 1884, amending the act approved May 6, 1882, entitled "An act to execute certain treaty stipulations relating to Chinese," by all Chinese persons other than laborers and not officers of the diplomatic or other branches of the Chinese Government traveling upon the business of said Government, whose credentials shall be taken as equivalent to the certificate, and whose body and household servants are also exempt from said requirement.

45. If the master of any vessel shall knowingly bring within the United States on such vessel and land, or attempt to land, or permit to be landed, any Chinese laborer or other Chinese person, in contravention of law, the facts relating thereto shall be promptly reported to the proper United States attorney, for the enforcement of the provisions of section 9 of the act of September 13, 1888. Chinese laborers or persons on board such vessel must depart with the vessel on leaving port.

46. The collector of customs is required in person to decide all questions touching the application for the admission of Chinese persons into the United States, and his decision shall be in writing, duly signed by him.

47. Chinese laborers who depart from this country under the provisions of the treaty with China must return via the port of departure. (S. 18343.)

48. Three registered Chinese laborers who left the United States for Bluefields, Nicaragua, but who, being shipwrecked on the voyage, decided to return to the United States, were refused the right to readmission, for the reason that upon departing from this country they failed to comply with the provisions of article 2 of the treaty with China, promulgated December 8, 1894, in that they did not deposit with the collector of customs at the port of departure the papers required by said treaty. (Letter to Representative Meyer, May 27, 1895.)

49. Upon the issuance of the prescribed certificate to a registered Chinese laborer who departs from the United States with the intention of returning thereto, the collector of customs at the place of residence of

such laborer, or a special agent of the Department, may be requested to ascertain and report whether or not the statements made by such laborer are true, and if in any instance it should be found that such statements are false, the person to whom the certificate may be issued should be denied admission to this country upon his return. (S. 17532.)

50. A registered Chinese laborer alleging sickness or other disability as a reason for his failure to return to the United States within one year from the date of his departure therefrom, to entitle him to return during the second year thereafter, must present the certificate of such sickness or disability of the Chinese consul having jurisdiction at the port or place whence the laborer left the United States. (Opinion of Attorney-General, May 26, 1896; S. 17196.)

51. In the case of a returning registered Chinese laborer seeking readmission into the United States more than one year after his departure therefrom all the facts reported to the Chinese consul at the port of departure relating to the sickness or other cause of disability shall accompany the certificate of the consul to the collector of said port. The alleged sickness of any person other than the applicant himself is not a disability on his part and is not sufficient cause for his admission under Article II of the treaty with China.

52. There is no authority of law for the return to this country of Chinese laborers after the expiration of the period named in the treaty with China for the return of such laborers. (S. 18199.)

53. Chinese laborers who left the country prior to the promulgation of the recent treaty with China can not be allowed to return to the United States. (Letter to Pillsbury & Co., March 26, 1895.)

54. Certificates of registration granted to Chinese laborers will not be regarded as sufficient evidence of the right of such persons to depart from the United States and return thereto. Such certificates are intended to be issued to Chinese laborers domiciled in the United States, in order that the holders thereof may be protected from arrest and deportation. (Letter to Mr. Hall, April 24, 1893, and to Miss Saunders, April 3, 1893.)

55. A Chinese person who was formerly engaged in this country as a merchant, but who is now a laborer, not having registered as a laborer during the time prescribed by law for the purpose, can not now secure a certificate of registration, and if he should leave this country can not lawfully be allowed to return. (S. 18666, opinion of Solicitor of Treasury, November 26, 1897; S. 18686.)

56. Section 15 of the act of May 6, 1882, as amended by the act of July 5, 1884, provides that "the words 'Chinese laborers,' wherever used in this act shall be construed to mean both skilled and unskilled laborers, and Chinese employed in mining."¹ The sixth section of the act of July 5, 1884, contains a proviso that "nothing in this act * * * shall be construed as embracing within the meaning of the word 'merchant,' hucksters, peddlers, or those engaged in taking, drying, or

¹ See sec. 3, act of September 13, 1888.

otherwise preserving shell or other fish for home consumption or exportation."

This Department has decided that laundrymen are laborers within the meaning of this act, and that the fact that a laundryman has accumulated capital and has become an employer of laborers in the same business does not change his status as a laborer.

Admission has been sought by Chinese laborers upon the ground that they have money invested in mercantile business, and were thus constituted merchants. This claim has been denied by the Department, it being held that the ownership by a laborer of a small interest in a mercantile business does not constitute the holder a merchant. (Letter to Attorney-General, May 19, 1893.)

57. A Chinaman who has conducted a laundry in this country, but who has since sold his interest therein, and who proposes to open a store for the sale of teas, etc., would not be regarded as a person of the exempt class; and, should he visit China for the purpose of purchasing goods wherewith to stock his contemplated store, he would not be permitted to reenter the United States as a merchant. (Letter to Mr. J. H. Semple, November 29, 1892.)

58. A laundryman is a laborer within the meaning of the law, whether a proprietor of a laundry or a hired workman therein. The ownership by a Chinaman of two laundries does not exempt him from classification as a laborer and does not entitle him to readmission to the United States as a member of the exempt class. (Letter to Attorney-General, September 9, 1893.)

59. A Chinaman, the owner and operator of a laundry, who, in addition, was engaged in a limited sense in soliciting orders for Chinese curios, which he filled on commission, is nevertheless classed as a laundryman and a laborer. (Letter to collector at Pembina, December 16, 1892.)

60. A Chinese barber domiciled in the United States is classified as a laborer. (Letter to Mr. John T. Deweese, November 6, 1893.)

61. The words "Chinese laborers," in the act of November 3, 1893, amending the act of May 5, 1892, and relating to certificates of residence, include a Chinaman engaged in the business of keeping a restaurant and lodging house and all Chinese persons dependent upon their labor for self-support, whether actually employed as laborers or not. (*United States v. Chung Ki Fron*, 83 Federal Rep., 143.)

62. Chinese laborers who go out of the country under the provisions of the recent treaty with China, promulgated December 8, 1894, can not be permitted, upon return, to bring their wives with them. The wife partakes of her husband's status as a laborer, and as such is debarred admission by law. (Opinion Solicitor of Treasury, February 7, 1896. Letter to collector, Burlington, February 11, 1896.)

63. Registered Chinese laborers who depart from the United States with the intention of returning, but who fail to obtain the certificate prescribed by Article II of the treaty with China for use in such cases,

should not be allowed to return to this country. (Opinion of Attorney-General, October 11, 1896; S. 17458.)

64. A registered Chinese laborer who deposits his certificate of registration with the collector of customs at the port whence he departs from the United States, is entitled to the return of such certificate on his readmission to the United States. (S. 17237.)

65. Collectors of customs are required to cause a record of the evidence, the decision, and the reasons therefor in the case of each Chinese person seeking admission to be made and filed, the decision to be duly signed by the officer making the same, and the approval of the collector to be indorsed thereon. (S. 20808.)

66. The action of collectors of customs upon the applications of Chinese for admission should be based upon the papers presented by such Chinese upon their arrival, supplemented by the facts developed by the examination of the applicants and the investigation of the officers upon the subject. If such applicants claim to be of the exempt class, the certificates prescribed by section 6 of the act of July 5, 1884, is the only evidence permissible on his part. In the case of a returning Chinese merchant, no other evidence than the testimony of two credible witnesses other than Chinese may be presented by the applicant. Collectors should by examination and investigation disprove the claims of the applicants if there is any reason to believe that the statements made in the certificates or affidavits are untrue. Evidence in behalf of applicants other than that prescribed by statute should only be accepted for transmission to the Department with appeals from the decisions of collectors. (S. 21183.)

67. Chinese persons should not be admitted upon the presentation of passports issued by the Secretary of State. (S. 21212. In re Gee Hop, 71 Federal Rep., 274.)

68. A certificate issued by a United States commissioner certifying that a Chinese person named has a lawful right to be and remain in the United States, and stating that he was a citizen of the United States, should not be accepted as sufficient evidence of the right of the laborer to enter this country. (Opinion of Attorney-General, August 4, 1897; S. 18261.)

CHINESE LABORERS IN TRANSIT.

69. Under advice of the United States Attorney General and the Solicitor of the Treasury, Chinese laborers may pass through the United States in transit to foreign countries under certain conditions, viz:

a. That they have through tickets across the whole territory of the United States.

b. That the collector of customs at port of arrival is satisfied of their good faith, and prepares and forwards to collector at port of exit descriptive lists; and

c. That the collector at first port takes a bond in a penal sum of not less than \$500 from each person conditioned for his transit and departure from United States. (S. 21162.)

d. Bonds given for the transit of Chinese through the United States must require the sureties to produce to the collector of customs to whom such bonds may be given certificates from the collector at the port of exit, showing that within twenty days from the dates of the arrival the Chinese persons named in the bonds have departed actually from the country. (S. 17201.)

e. Chinese who apply for admission to the United States, but who are refused such admission, can not pass through the United States in transit under bond, but must be returned to the country whence they came. (Opinion of Solicitor of Treasury, September 21, 1900.)

The privilege of transit under bond of Chinese laborers through the United States is recognized and agreed to in Article III of the treaty with China, promulgated December 8, 1894. (See Article III of treaty with China.)

70. Chinese laborers in transit through United States territory who are delayed en route must be placed under charge of officers of the customs at the expense of the transporting companies. (Letter to collector, New Orleans, June 18, 1892.)

71. In the preparation of descriptive lists of Chinese laborers in transit, their height should be ascertained with accuracy, and for this purpose the shoes of Chinese should be removed while being measured. (Letter to collector, New York, March 25, 1896.)

CHINESE ON SHIPS PLYING BETWEEN PORTS IN THIS COUNTRY.

72. Chinese laborers embarking at a United States port on an American vessel for another United States port, which touches at foreign ports en route, may be permitted to reenter at United States port of destination, provided it appears to the satisfaction of the collector of customs that they remained continuously on the vessel and did not land at the foreign ports. (Letter to collector, San Francisco, November 2, 1888.)

73. A Chinese steward and a Chinese cook, who shipped at a United States port on board a vessel of the United States, and who returned on the same vessel in such capacities, are not covered by the Chinese exclusion act of October 1, 1888, they having been continuously under the United States flag. (Letter to collector, Port Townsend, November 6, 1888.)

CHINESE SHIPPING ON UNITED STATES VESSELS AT FOREIGN PORTS.

74. Chinese servants employed in the United States Navy on board war vessels, the same having been enlisted at foreign ports, can not land in the United States. (Letter to the Secretary of the Navy, August 1, 1889; S. 9547.)

75. Chinese cooks and stewards shipped at foreign ports on American vessels can not land in the United States. (Letter to collector, Port Townsend, March 7, 1890; S. 9900.)

CHINESE NOT IN TRANSIT CAN NOT LAND UNDER BOND.

76. The collector at New York was instructed to discontinue, as being without authority of law, a practice obtaining at his port of permitting Chinese seamen, cooks, and stewards to land upon filing bonds to insure their departure. (Letter to collector, New York, March 23, 1896.)

GENERAL.

77. In the case of *The United States v. Wong Kim Ark* the Supreme Court has decided that children born in this country of Chinese parents are of right citizens of the United States. (S. 19180.)

78. In the cases of Chinese persons seeking admission on the ground that they were born in this country, great pains should be taken to ascertain whether or not the claim of the applicant is well founded, and officers at other ports should, when practicable, be called upon to investigate and report upon such cases. In no case should the applicant be admitted on the ground that he is of American birth unless the collector is fully satisfied that the evidence presented is reliable and justifies such admission. (S. 20970.)

79. Children born of Chinese parents in the United States have the right to return to this country after a temporary absence, provided the fact of their birth here can be established. (Letter to C. E. Clark, September 9, 1894.)

80. United States naturalization papers obtained by Chinese subjects subsequent to May 6, 1882, were illegally issued and can not be recognized as giving the holder any of the rights of citizens of the United States. (Telegram to collector, Burlington, Vt., April 22, 1892.)

81. State courts have no jurisdiction in Chinese cases.

A United States judge alone has the power, under section 6 of the act of May 5, 1892, to order the deportation to China of a Chinese laborer who has failed to register as required by the acts of May 5, 1892, and November 3, 1893.

A United States commissioner, *inter alia*, has the power under section 12 of the act of July 5, 1884 and section 13 of the act of September 13, 1888, to order the deportation of a Chinese prisoner found to be unlawfully within the United States. (Letter to collector, El Paso, September 20, 1893.)

82. Upon refusal of the collector of customs at San Francisco to permit the landing at his port of one Lem Moon Sing, a returning merchant, application for a writ of habeas corpus was made to the Supreme Court. In an opinion of that court, rendered May 27, 1895, the application was denied upon the ground that the act of August 18, 1894 (sundry civil appropriation), makes final the decision of the appropriate customs or immigration officer, if adverse to the admission of an alien, unless reversed on appeal to the Secretary of the Treasury. Under this law, the right to review the action of collectors of customs in refusing the

application of Chinese persons for permission to land is taken away from the courts and vested in the Secretary of the Treasury. (*Lem Moon Sing v. United States*, opinion Supreme Court, May 27, 1895.)

83. The court has no authority, by writ of habeas corpus or otherwise, to review the decision of a collector of customs, sustained on appeal to the Secretary of the Treasury, denying admission to an alleged returning Chinese merchant, and has no jurisdiction to determine the question whether or not the petitioner offered to the collector the proof that he was a merchant. (*In re Leong Yonk Tong*, 90 Federal Rep., 648; S., 20478. See also 143 U. S., 660; 149 U. S., 713.)

84. A decision of the collector denying the right to enter, affirmed by the Secretary of the Treasury, will not be reviewed by the courts on writ of habeas corpus on the ground of irregularities in taking the testimony. (*In re Jew Wong Loy*, 91 Federal Rep., 240.)

85. It was held by the Supreme Court that the act of May 5, 1892, obliging all resident Chinese laborers to register under penalty of arrest and deportation, was constitutional. (*Fong Yue Ting v. United States*, 149 U. S., 698.)

86. Under the clause in the appropriation act of August 18, 1894, it is held that a Chinaman, suspected of having come into this country fraudulently, shall be required to present evidence of his right to remain here to the collector of customs for the port through which such person claims to have entered this country, it having been shown that his papers or other evidence had not been passed upon by such collector at the time of the Chinaman's entry into the United States. (Opinion Solicitor of Treasury, February 6, 1896. Letter to collector, Burlington, February 18, 1896.)

87. When Chinese are found in this country who are unable to produce the certificate of registration prescribed by law for laborers, or evidence of their status as bona fide merchants engaged in business in this country, or certificates in the form prescribed by section 6 of the act of July 5, 1884, indorsed by a collector of customs with the fact and date of their admission into the United States, they shall be reported to the proper legal authorities for the determination of the question of the right of such persons to remain in the country. (S. 18286.)

88. Collectors should refuse to issue to Chinese persons any papers other than the certificates authorized under the treaty with China, promulgated December 8, 1894, which are given to Chinese laborers departing from the United States with the intention of returning. Applications to collectors or other officers for letters setting forth the status of a Chinaman as a resident of this country, or indorsing his statements in that connection should be refused. (Letter to collector, Tampa, February 18, 1895.)

89. A request having been made that a copy of a report received by a collector of customs concerning affidavits supporting the claim for

admission of a Chinaman be furnished to a person not connected with the public service, it was held that papers of the character referred to were intended for the information of officers of this Department, and the request, therefore, was denied. (Letter to William A. Brown, October 26, 1894.)

90. Officers of railroads by which Chinese persons are illegally brought to places in the United States are liable to the penalties imposed by section 11 of the act of July 5, 1884, and should be reported to the United States attorney for prosecution.

Inspection of persons and papers should be made at the border of contiguous foreign territory, so as to prevent the entrance of Chinese persons excluded by law. (Letter to collector, Burlington, Vt., December 10, 1891; S. 12167.)

91. The importation of opium into the United States is forbidden to Chinese subjects under article 2 of the treaty with China, proclaimed October 5, 1881, and all opium so imported should be seized and forfeited. (Letter to collector, San Francisco, April 28, 1892; S. 12616.)

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