

## The Legal News.

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### PROPERTY OF FOREIGN SOVEREIGNS.

The English Court of Appeal, in a recent case, *Vavasour v. Krupp*, has re-affirmed the doctrine that the courts of England have no jurisdiction over the public property of a foreign sovereign. The facts were these: The Japanese government, through agents in London, bought in Germany and paid for some shells manufactured by Messrs. Krupp. The shells were brought to an English port for the purpose of being transhipped to Japan in some vessels of war which were being built in England for the Japanese government. The plaintiff complained that an English patent granted to him for the manufacture of projectiles was infringed by these shells being brought to England, and he obtained from the Master of the Rolls an interlocutory injunction restraining the delivery of the shells to any one but himself. The Mikado of Japan then intervened in the case, alleging that the shells were his public property as sovereign of Japan, and applied for an order that notwithstanding the injunction the shells might be delivered to him in that capacity. The Master of the Rolls granted the order, and the Court of Appeal has affirmed the decision, remarking "that it was clearly settled that the courts of England had no jurisdiction whatever over the public property of a foreign sovereign."

### STATUS OF THE CHINESE IN THE UNITED STATES.

The application of Ah Yup, a native of China, to the United States District Court, California, to be naturalized, led to an interesting argument on the status of the Chinese in the United States. The petition being a novel one, the court invited the members of the bar to make any suggestions which occurred to them on either side of the question, and the hearing was a full one.

The old naturalization law of the United States provided that "any alien, being a free white person, may be admitted to become a citi-

zen." This was amended in 1870 at the time of the abolition of slavery, by adding the following clause; "That the naturalization laws are hereby extended to aliens of African nativity and to persons of African descent." After some further changes, the law as it stands at present is defined by an Act of Feb. 18, 1875, which reads as follows: "The provisions of this title shall apply to aliens, being free white persons, and to persons of African descent." The whole question, then, resolved itself into this: Are natives of China, of the Mongolian race, "white persons?" The Judge answered this question in the negative, and Ah Yup's petition was refused. We have not space for the judgment in full, but an extract from Judge Sawyer's remarks will show the reasoning by which he arrived at his conclusion. "Words in a statute," he said, "other than technical terms, should be taken in their ordinary sense. The words 'white person,' as well argued by petitioner's counsel, taken in a strict literal sense, constitute a very indefinite description of a class of persons where none can be said to be literally white, and those called white may be found of every shade, from the lightest blonde to the most swarthy brunette. But these words, in this country, at least, have undoubtedly acquired a well-settled meaning in popular speech, and they are constantly used in the sense so acquired in the literature of the country as well as in common parlance. As ordinarily used anywhere in the United States, one would scarcely fail to understand the party employing the words 'a white person' would intend a person of the Caucasian race. In speaking of the various classifications of races, Webster, in his dictionary, says: 'The common classification is that of Blumenbach, who makes five. First, the Caucasian or white race, to which belong the greater part of the European nations and those of Western Asia; second, the Mongolian, or yellow race, occupying Tartary, China, Japan, etc.; third, the Ethiopian, or negro (black) race, occupying all Africa except the north; fourth, the American, or red race, containing the Indians of North and South America; and fifth, the Malay, or brown race, and occupying the islands of the Indian Archipelago,' etc. This division was adopted from Buffon, with some changes in names, and is founded on the combined characteristics of