

ber thus far discharged by the order of the Court, it is believed that those discharged on the grounds stated, constitute nearly one-half. In justice to the Six Companies, I should add that their presidents have spontaneously offered to the Court to cause copies of their books, with records of departures of their members during the interval I have mentioned, to be made at their own charges, such copies to be verified by Mr. Vrooman, by comparison with the original records, and then to be deposited with the Court. When this is done no means will any longer exist of interpolating or adding new names on the books of the companies. It will still remain possible for a Chinese laborer to assume the name, and personate the character of some one whose name appears on the records; but this mode of deception it seems impossible wholly to prevent.

Secondly—Applications founded on the production of Canton certificates.

The investigation of this class of cases proved exceedingly embarrassing to the Court, and is attended with difficulties almost insuperable. The certificates furnished at Canton by the agent of the Chinese Government, the law declares, shall be *prima facie* evidence of a right to land. This provision of the law, whatever distrust might be felt as to the reliability of these certificates, the Court could not disregard. The counsel for the petitioner usually presented a Canton certificate to the Court and rested his case. The District Attorney was necessarily without the means of disproving the truth of the certificate except by such admissions as he might extract from the petitioner himself when placed on the stand, or had been gathered from him upon his examination by the Custom House officials. The District Attorney was, therefore, allowed to call the petitioner, and cross-examine him in a most searching manner, and contradict, if he could, his statements; in short, to treat him as an adverse witness called by the opposite side. This method, though somewhat irregular, seemed to be the only one to be adopted with any hope of arriving at the truth. Another embarrassment under which the Court labored was the inability to attach any distinct and definite signification to the term "merchant," but inasmuch as the Treaty expressly declares that the only class to be excluded are "laborers" and that no other class is within the prohibition of the Treaty, it was held by the Court that the enquiry was not so much whether the person was a merchant as whether he was a laborer, and that that enquiry should relate, not to his occupation or status in China, but to the occupation in which he was to be engaged in in this country; as the intention and object of the law was to protect our own laborers from the competition and rivalry of Chinese laborers.

At first sight it would seem that the production of the books of a respectable mercantile firm in which the name of the petitioner was inscribed as a partner, would be sufficient to establish his status as a merchant. It was soon found, however, that this mode of proof was, to a great extent, unreliable; for, first, the books might be falsified, and the entry made to meet the exigencies of the case; and, secondly, it appeared that the Chinese are in the habit of placing their earnings in stores or mercantile establishments, and in virtue of this investment they are admitted to a share of the profits. It might, therefore, often happen that a Chinese laborer would appear on the books of the company as holding an interest to the amount of a few hundred dollars in the concern, while he himself remained a laborer, and could in no sense of the term be called a merchant or a trader. The books above spoken of were in all cases subjected to a rigid scrutiny, with a view of detecting interpolations and falsifications. I am satisfied that in spite of the efforts of the Court, which in almost all cases itself subjected the petitioner to a rigorous cross-examination, and in spite of the efforts of the District Attorney, some persons have been admitted on Canton certificates who had no right to land. In what numbers it is impossible to say, but this result seemed to be the necessary consequence of the fact that the law made the certificates *prima facie* evidence of the petitioner's right and of the difficulty of ascertaining the facts. A considerable number of cases were also presented to the court where the petitioner claimed to be about to enter some mercantile establishment in which his brother or his uncle or his father was interested. The existence of the establishment was usually proved beyond a doubt, but the court was at the mercy of oral testimony as to the intended adoption of the petitioner as a partner.