

if such construction could be avoided. It was, therefore, held that a Chinese laborer who was here at the date of the Treaty, and who left the country before the law went into operation, might be admitted without producing a Custom House certificate, which it was impossible for him to obtain, and that it was inadmissible, if not indecent, to impute to Congress when legislating to carry into effect our Treaty with China, the intention to deprive laborers, whose right to come and go of their own free will and accord was explicitly recognized and secured by the Treaty, of that right by exacting as a condition of its exercise the production of a certificate which it was out of their power to obtain. (*In re Chin A. On*, 18 Fed. Rep., p. No. 8, p. 506.) It was also held that Chinese who were not in the country at the date of the Treaty were not embraced within the provisions of the second article, and also that a Chinese laborer, who, although in the country at the date of the Treaty, had left after the law went into practical operation, and who neglected to procure a certificate, was not entitled to return. As to the soundness of this last ruling, doubts may be entertained. It is understood that the question will shortly be submitted to the Circuit Court.

If there be error in these rulings it is assuredly not in favor of the Chinese. The right of laborers who can prove they were in the country at the date of the Treaty, and had left before the law went into effect, to be allowed to land without the production of a Custom House certificate, being thus recognized, the Court held that the burden of proof was on them, and that satisfactory evidence of the facts would be rigorously exacted. In some cases this evidence was such as to establish the facts beyond all reasonable doubt: as, for instance, the former residence and departure of the petitioner was in one case proved by the testimony of the reverend gentleman at the head of the Chinese Mission in this city; who swore not only to his personal recollection of the fact, but produced a record of the proceedings of the sessions of his church, in which the departure of the petitioner and his resignation of the office of deacon, which he held, and the appointment of his successor is recorded. These records, he testified, were in his own handwriting and were made at the date which they bore. In another case, a young lady connected with the mission, proved the departure of the petitioner (who was a convert and her pupil), not merely by her own testimony as to the fact, but by the production of a religious book which she gave him at the time of his departure, on the fly-leaf of which were inscribed in her own handwriting, and signed by herself, some expressions of regard, together with some texts of Scripture. This book, she testified, was handed to him on board the vessel at the date of the inscription on the fly-leaf, with the injunction to keep it and bring it back on his return. The book was accordingly returned and produced in Court. On proofs such as these no rational doubt could be entertained, and the petitioners were discharged.

But in the large majority of cases proofs hardly less satisfactory were exacted and furnished. The Chinese on returning to their country almost invariably procure permits from the companies of which they are members, and which are furnished them on payment of their dues. The departure of the members and the payment of their dues are recorded in the books of the company. These books the Court invariably required to be produced. It also appears that in most cases their savings, accumulated in this country, were remitted to China for their account by mercantile firms in this city, and also that their tickets were, in many cases, purchased through the agency of those firms. The production of the firm's books showing these transactions was in like manner required, and they, together with the books of the companies, were subjected to the critical scrutiny of Mr. Vrooman, the very intelligent, competent, and entirely reliable Chinese interpreter.

In very many cases all these books were produced in Court, and in some instances the evidence they afforded was corroborated by testimony of white persons in whose employ the petitioner had been, and who testified to the time of his departure. It is, of course, possible, that in some instances the Court has been deceived, but considering that in no case has a person been allowed to land on the plea of previous residence on unsupported Chinese oral testimony, the number of such instances cannot be large. The proofs were in all cases sufficient to satisfy any candid and unbiassed mind. Of the whole num-