

CHINESE PASSPORTS.

Certificates of Residence Required.

The Severe Penalties to Be Imposed.

Opinions Regarding the Constitu- tionality of the New Law.

Labor Commissioner Waltz is engaged in studying the provisions of the so-called Chinese Registration act, and in preparing a blank form for the certificates of residence which all Chinese who desire to enjoy the climate of California will within a year be required to produce upon demand. If they do not they will, by action of law, be sent back to the Flowery Kingdom or to any other land of which they may be natives. That is the solution of the Chinese problem which the Legislature, under the direction of Attorney-General Hart, worked out at the recent session of the Legislature.

The law, which is entitled An act to prohibit the coming of Chinese persons into this State, whether subjects of the Chinese empire or otherwise, and to provide for registration and certificates of residence, and determining the status of all Chinese persons now resident of this State, provides that from and after its passage "it shall be unlawful for any Chinese person or persons, whether subjects of the Chinese empire or otherwise, as well as those who are now within the limits of this State, and who may hereafter leave this State and attempt to return, as well as those who have never been here, or, having been here, have departed from this State (certain specified Government representatives and agents, with their body and household servants, being excepted), to come to or within, or to land at or remain in any port or place within this State; and the coming of Chinese persons to this State, whether for the purpose of transit only or otherwise (excepting the classes exempted), from and after the passage of this act, be and the same is hereby prohibited."

To assist in the enforcement of the foregoing prohibitory section it is made a misdemeanor, punishable by a fine of not more than \$500 for every Chinese brought in, and by imprisonment for not more than one year for any master, purser or agent of any vessel from a foreign port entering any port in this State to bring into such port any Chinese person. This includes members of crews. Vessels that enter California ports during bad weather or in distress, or touch on the way to another port, are exempted from this provision. It is made the duty of all agents of transportation and ticket agents in the State, of railroad, coach or vessel lines, when applied to for a ticket for a Chinese person to be transported from one point in the State to another, or to an outside point, and before selling such ticket, to demand, see and examine the certificate of residence of the Chinese. If the Chinese fails to produce the certificate demanded, then it is the duty of the ticket agent to cause his arrest, failing to do which the ticket agent will be guilty of a misdemeanor, punishable by a fine of not more than \$500 for each offense and by imprisonment for not more than one year. There is a similar provision affecting railway conductors. Any person who aids in unlawfully bringing into the State any Chinese person shall be guilty of a misdemeanor, punishable by a fine of not more than \$1000 and by imprisonment of not more than one year, and, if a Chinese, shall be sentenced to deportation. No Chinese shall be allowed to enter the State without presenting his certificate of residence, and any Chinese unlawfully within the State shall be deported to his native country at his own cost. He may also be sentenced to pay a fine of not less than \$500 nor more than \$1000 and deportation, or by imprisonment of not less than one nor more than five years and deportation.

The law provides that all Chinese persons shall obtain their certificate of residence from the Labor Commissioner within one year from the passage of the act. The sum of \$5, with the cost of a photograph, to be attached to each certificate, and a fee for the deputy issuing the certificate, will be charged each Chinese. All fees so collected shall be paid into the "Chinese fund," in the State Treasury, from which all expenses incident to the enforcement of the law shall be paid. Among these expenses will be the salaries of deputies to be appointed, and \$2000 a year to be allowed the Labor Commissioner.

Labor Commissioner Waltz does not anticipate much trouble in the enforcement of the law. He will at the proper time put the machine in motion, appoint deputies in each county, and issue certificates. The law, he says, was drawn under the direction of Attorney-General Hart, who declares it constitutional.

A much different opinion was expressed by Thomas D. Riordan, attorney for the Chinese Consulate, who declared that the law, in its monumental imbecility, surpassed anything he had ever encountered.

"Had it been drawn by a sandlotter, who is not presumed to know the law, there might have been some excuse for it," he said. "I understand Attorney-General Hart is responsible for it."

Continuing, Mr. Riordan said there could be no two opinions regarding the unconstitutionality of the law, which he said would not hold water. The legal points in it had been repeatedly decided, and all in favor of the Chinese. The act interfered with matters belonging exclusively to the Federal Government. In *Chy Lung vs. Freeman* the Federal courts of this city decided, and the United States Supreme Court affirmed the decision, that the State law giving the Immigration Commissioner power to determine whether Chinese women were entitled to land in this State was unconstitutional. In the "queue-cutting case" the courts had declared to be unconstitutional a law requiring the cutting off of the queues of Chinese confined in county jails, because it created a punishment other than that prescribed by the State Constitution.

Mr. Riordan said he was anxious for an attempt to be made to enforce the law, as he was only too eager for a test case.

Consul Bee also laughed at the act. He raised the point against it that it was in violation of section 11 of the Declaration of Rights in the State Constitution, which provides that "all laws of a general nature shall have a uniform operation." Consul Bee also declared the law to be in violation of the fourteenth amendment to the United States Constitution, and of the fifth and sixth articles of the Chinese treaty, which treaty provides that subjects of the Chinese empire shall enjoy in the United States all the privileges, immunities and exemptions which are accorded the subjects of the most favored nations.

Though George A. Knight had not examined the law thoroughly, from a general knowledge of its provisions he thought a coach and four could be driven through it. He considered it unconstitutional, because it interferes with treaty provisions, a matter solely of Federal jurisdiction. He also considered that the officers would have a hard time enforcing the section providing that conductors and ticket agents shall demand residence certificates from Chinese, as the laws affecting common carriers do not allow them such powers, but requires them to transport all people who pay their money and obey the rules.

BEECHAN'S PILLS cure bilious and nervous ills.