

# A SWEEPING DECISION.

## Chinese Exclusion Finally Secured.

### Important Ruling of the Supreme Court.

#### Merchants' Certificates Required Even From Prior Residents.

A circular letter was received yesterday by Collector Phelps which completely changes the existing regulations governing the entrance into the United States of Chinese merchants, and which makes the act of October 1, 1853, an exclusion act in the fullest sense of the word.

The Collector's attention is directed in the circular letter to a decision rendered by the Supreme Court in bank in the case of Wan Shing against the United States, in which the opinion of the court was delivered by Justice Field.

Wan Shing arrived in San Francisco on the steamer Arabic on August 7, 1889, and was refused a landing by the Collector on the ground that he was a Chinese laborer, and as such amenable to the restrictive provision of the Exclusion act. On a writ of habeas corpus the case came before the Circuit Court Commissioner, who sustained the action of the Collector. The Circuit Court held similarly, and an appeal was then taken by the petitioner to the Supreme Court. The case was heard during the October term, 1890, and Justice Field's opinion was delivered on May 11, 1891.

Under this decision of the Supreme Court all Chinese, not laborers; now resident in the United States, who may desire to visit China or other countries and return to the United States, will be required to present at the port of first arrival in the United States, as a condition precedent to landing, the certificate provided for by section 6 of the act approved May 6, 1882, as amended by the act approved July 25, 1884.

The Collector is informed by the Secretary that "all instructions of the department heretofore issued inconsistent with the new ruling are hereby revoked."

The receipt of the Secretary's letter of instructions created the greatest excitement yesterday in and about the Customhouse and at the Chinese consulate.

Scarcely had the decision and the Secretary's instruction arrived when they were instantly applied. One hundred and seventy-eight Chinese arrived here on the Oceanic. None of them had merchants' certificates. They claimed the right to land on the ground of prior residence. The sweeping decision of the Supreme Court holds that a merchant's certificate must be held by every Chinese, whether a prior resident or not, who seeks to enter the United States. Collector Phelps therefore ordered that none of the Chinese on the Oceanic should be permitted to land.

Special Agent of the Treasury Evans was seen with reference to the operation of the new regulation.

"It seems," he said, "to aim practically at the exclusion of Chinese from the United States altogether, because since 1882 and until within a few weeks past no certificates were received in the United States purporting to have been issued by the authority of the Chinese Government. Indeed, the attitude of the Chinese Government indicates that it is directly opposed to the issuance of certificates. The passports issued at Shanghai have not as yet been verified as being authorized by the Chinese Government. To all intents and purposes, therefore, the new regulation based on the Supreme Court's decision will stop Chinese immigration, unless the Chinese Government decides to issue certificates in conformity with Section 6 of the act of 1884."

Collector Phelps expressed positive opinions of the new regulation when interviewed by a CHRONICLE reporter, and offered several interesting facts about the latter-day development of the Exclusion act.

"I am very much afraid of this regulation," he said. "It places considerable responsibility and power in the hands of our consuls abroad. They become responsible for the genuineness of the claims of Chinese to the correctness of whose passports they certify. Prior merchant residents returning here from China had, under heretofore existing regulations, to prove their claims on an oral examination. I presumed they had no right to land until they proved their right. Now the condition is reversed. Their certificates, if the Chinese Government decides to issue them, are prima facie evidence that they are admissible immigrants. The presumption is in their favor. The Secretary of the Treasury construed section 6 to mean that certificates were to be exacted only from Chinese merchants who had never been to the United States. Evidence that a Chinese merchant had merchant interest in the United States was thought sufficient to procure him a landing. However, I have only to follow the new instructions."

Consul Bee, when seen, was loud in his denunciation of the Supreme Court's decision.

Attorney T. D. Riordan claimed that Justice Field, in his recent opinion, had reversed a former decision, the opinion in which was written by himself, in the case of Low Yam Chow, decided in September, 1892. He also claimed that that portion of Field's opinion referring to the obligation of Chinese prior residents and all other merchant Chinese to secure certificates from the Chinese Government was an obiter dictum, as that question was never decided in the habeas corpus proceedings involved in the case, because the case was that of a Chinese who claimed to be a merchant, and whose claim, being found to be false, was denied, and an order of remand should have been entered on that ground solely.

"I propose," said Mr. Riordan, "to land the Oceanic Chinese on writs of habeas corpus, and I will appeal a test case to the Supreme Court, however slight may be my hopes that the court will decide contrary to the opinion delivered by Justice Field and concurred in by the rest of the Justices."

Meanwhile Collector Phelps will land no prior residents, whether merchants or not. The Rio de Janeiro and Gaelic are on their way here with probably 200 Chinese, all of whom will also be refused landing.