

## THE CUBIC AIR LAW.

### The Chinaman Will Contest His Constitutional Rights.

On Tuesday night officers Hogue, Bethel, Houghtaling and Avan in a series of raids arrested 20 Chinaman for violation of the Cubic Air law. Yesterday the Six Companies, acting through Colonel Bee, their attorney, petitioned the United States Circuit Court for a writ of habeas corpus for the purpose of bringing Ah Wing, one of the prisoners, before that tribunal in order to test the constitutionality of the law under which the arrest was made. After reciting the fact of the arrest the petition charges that the Act of the Legislature making this law was illegal, inasmuch as it is in violation of Sections 1477 and 1478 of the Revised Statutes of the United States, and also in direct conflict with the terms of the Burlingame Treaty. The petitioner also states, upon information and belief, that the Cubic Air law is enforced only against the Chinese, while it is true that in this city and in every town in the State other residents besides the Chinese are living in constant, open and known violation of this law, and yet at no time have any save Chinese, ever been arrested for such violation. The petitioner also charges that he believes the law was passed solely for the purpose of enforcing it against the Chinese, and that there was never any intention to have it apply to those of any other nationality. Petitioner accordingly asks that a writ of habeas corpus may issue, directed to the Chief of Police, Kirkpatrick, commanding him to bring Ah Wing before the Circuit Court. Acting on this petition Judge Sawyer ordered a writ to issue, making it returnable next Monday morning at 11 o'clock. The writ was served on the Chief of Police yesterday afternoon. It is understood that the Chinese Six Companies have raised a fund of upward of \$5000 with which to test this cubic air law. B. S. Brooks and D. W. Doustatt represent the petitioner in this case.