

THE EXCLUSION ACT.

The Congressmen Visit the Gaelic.

Important Evidence About Bail Bonds.

Witnesses Tell Why Forfeited Bonds in Chinese Cases Are Never Collected.

The three members of the Congressional Committee on Immigration, together with the ladies and gentlemen accompanying the committee, spent the whole of yesterday forenoon visiting the Pacific Mail Steamship Company's dock and the Union Iron Works. Promptly at 9:30 o'clock the party left the Palace Hotel in hacks and were driven to the foot of Market street, where the tug Hartley of the Revenue Marine service was in waiting.

As soon as all were aboard the tug steamed to the Pacific Mail Company's dock where the Gaelic was receiving the last consignments of freight and passengers preparatory to her departure for China in the afternoon. The Congressmen were given every opportunity to see for themselves the manner in which the customs officers handled the outgoing Chinese, there being about 1000 of the Celestials who were going home to the Flowery Kingdom on the Gaelic to enjoy New Year festivities in their native land.

After spending some time on the dock the committee was escorted aboard the steamship, which they inspected. Re-embarking on the Hartley the run to the Union Iron Works was made in quick time and for more than two hours the Congressmen and friends inspected the great iron works of the Pacific coast under the guidance of the Messrs. Scott.

The great armored vessel to be called, when launched, the Monterey, which is now being constructed at the works, was the center of attraction, and the excellent workmanship displayed in the building of the ship called forth loud praises from the visitors.

It was 12:30 o'clock when the Hartley landed the party in San Francisco again, and, without lunch, the committee hurried to the Appraiser's building, where the investigation was resumed, room 7 being placed at the service of the committee.

The first witness called was Clement T. Bennett, the official stenographer of the Government for the Federal courts. The committee devoted the session to an inquiry into the forfeited bail cases, endeavoring to ascertain why Chinese had been accepted as bondsmen right along, after it was known that in ninety-five cases out of every hundred where the bail was forfeited the bonds were found to be worthless. The question as to why Chinese remanded to China by the courts had not been sent back to their native land was also given considerable attention.

The testimony of the witness Bennett was in substance the same as that given by the witnesses examined on Friday in regard to the two points mentioned.

United States Commissioner S. C. Houghton, Master in Chancery of the United States Circuit Court in this district, followed Mr. Bennett on the witness stand. He testified that he considered that until recently the Government had been trifled with by the attorneys for the Chinese. He detailed at length the practice in Chinese cases and gave the committee some valuable information in regard to the habeas corpus proceedings usually resorted to when Chinese were remanded. He said that the reason why many of the forfeited bail bonds had not been collected was simply because no attempt had been made to collect them.

At this juncture Commissioner McAllister presented the statement asked for on Friday by Representative Stump. It shows that since March 3, 1890, the commissioner has heard 405 Chinese cases, making 54 remands. From July 29th to date he has tried an average of fifty cases a month. Since the Exclusion act went into force he has tried a total of 3581 cases.

One of the main facts testified to by Commissioner Houghton was the practice of delaying habeas corpus cases for years. Said the witness:

"The average Chinese only wants to stay in this country about three years, and even if remanded when he arrives he not only succeeds in remaining here the length of time mentioned by taking out a writ of habeas corpus and then appealing his case from court to court until it reaches the Supreme Court of the United States, where it is never taken up inside of a year, but when he is finally sent back to China the Government pays his passage. How to stop this is a question and one which I cannot pretend to answer."

James S. Mauley, the deputy clerk of the United States District Court, was next questioned. He was asked why it was that he accepted Chinese on bail bonds when he knew that in the majority of cases they were found to be worthless when called upon to pay the bond. He answered that the law left him no alternative but to accept them. Chinese have a right to bail, and to refuse to receive Chinese bondsmen would practically deprive them of that right. Until recently the witness said that he had nothing but the oath of the men appearing as bondsmen upon which to rely as to their reliability, and he frankly admitted that the Chinese cared nothing for the oath they took. Now, under the order of the court as explained in the account of Friday's investigation, the character of bondsmen is investigated before they are accepted, and he was sure no more straw bonds could be given if the customs officers did their duty. The witness stated that the bail bonds on which Chinese only are sureties, given in cases now pending, aggregate \$1,200,000. He testified that suits had been brought on forfeited bail bonds, but could remember no cases having been tried.

John T. Carey, ex-United States Attorney, was next called. He explained that the reasons why he had not attempted to collect the forfeited bail bonds in Chinese cases was because he had become satisfied that the bondsmen could not be found. He said that reputable attorneys had, in nearly all cases, vouched for the bondsmen, but had come to him when the bonds were forfeited and admitted that they had been deceived. He cited one instance where a lawyer had come to him and asked for the arrest of a Chinese interpreter who had brought to the attorney worthless bondsmen in thirty-two cases. The man was arrested at the lawyer's request, and is now in jail pending trial. General Carey said that it cost \$25 50 to bring each suit on the forfeited bonds, and becoming convinced that none of the bonds could be collected, he had refused to allow the suits to be commenced, and saved the Government several thousands of dollars thereby. In 105 cases of forfeited bail bonds the witness stated that in not a single case could the bondsmen be found. He only knew of two cases in the past four years where Chinese on forfeited bonds could be found. In these cases the bonds were collected. He said that, of the Chinese cases tried while he was United States Attorney, he believed that fully 75 per cent of the Chinese should have been remanded, but less than 80 per cent had been remanded and he understood that hardly any of these had ever been sent back to China. There are now fifty-two Chinese cases on appeal in the Supreme Court of the United States, most of which have been pending since 1888.

General Carey said that the naturalization of Chinese by landing them upon the plea of being born in this country was, in

his opinion, a dangerous proceeding and he would suggest that in all such cases the Chinese should be required to substantiate their nativity by at least one white witness.

Detective William Glennon of the Chinatown squad of the city police force gave some unimportant testimony as to the habits of the Chinese, the danger of their presence in a city like San Francisco and their immorality as a race.

Fredrick A. Bee, the Chinese Consul, next took the stand, but as the committeemen had eaten nothing since 9 o'clock in the morning and it was then almost 5 o'clock in the afternoon, the Consul was asked to come again on Monday. The committee told him it intended to summon before it the presidents of the Six Companies. This brought from the consul a brief defense of the Six Companies and the statement that there were only 15,000 Chinese in this city, 55,000 in the State, and 75,000 in the United States. As all of Consul Bee's testimony will be repeated to-morrow it is not given at length. The committee adjourned to meet at 10 o'clock to-morrow in room 7 of the Appraiser's building.

During the session yesterday Alfred Fuhrman, president of the Federated Trades and others interested in the labor movement on this coast, were present.

Senator Squire left for Washington last night, he being recalled, as previously stated, by a telegram.

Representative Stump and Leihback will continue the investigation.