

THE EXCLUSION ACT.

ARGUING THE RIGHTS OF COOLIES.

Judge Hoffman Holds That the Certificates Are Only for Purposes of Identification.

A large crowd thronged the United States Circuit Courtroom yesterday morning to hear the arguments in the cases testing the constitutionality of the Chinese Exclusion Act. Attorneys Riordan, Ricketts, Mowry, Strauss, United States District Attorney Carey, Colonel John S. Mosby, Consul Bae, Moy Chin Mun and Surveyor Tinnin were present at 10:30 o'clock, when Judges Sawyer and Hoffman ascended the bench.

Attorney Riordan, after his announcement that he was ready to proceed with his argument against the constitutionality of the Exclusion Act, began by referring to the treaty between the United States and China, known as the Angel Treaty, by which China agreed to the restriction of the emigration of Chinese laborers to the United States. From this treaty was born the Restriction Act of 1882. It was agreed that no more Chinese laborers should come to this country, but it was also agreed that those Chinese laborers who were residents of this country when the law was enacted should be allowed to go and come as they chose, and that they should be given a certificate upon their departure, which would guarantee their return to this country. There were written contracts made by the United States granting the holder the right to return to this country at his leisure, and the attorney held that Congress had no right to abrogate such an arrangement.

Section 2 of the Exclusion act, declaring these certificates void and of no effect, was then read by Mr. Riordan. He declared the act to be in violation of Section 9 of Article I of the Constitution of the United States, which recognizes vested rights of citizens. These certificates, he said, were vested rights of Chinese to return to this country.

"These certificates are not contracts," interrupted Judge Hoffman. "They are merely certificates of identification. They are instruments by which the holder may prove that he is the party who departed from this country on the date mentioned in the document."

Mr. Riordan—It is more than that. It is a written guaranty by the United States that the holder may re-enter this country.

Attorney Ricketts followed Mr. Riordan, and in a long argument cited many authorities referring to the rights of Chinese. He admitted the right of Congress to abrogate treaties, but he thought that Chinese possessing return certificates should have been given at least ninety days' notice of such abrogation, so that they might have returned if they had seen fit to do so.

United States District Attorney Carey, in opening his argument in defense of the law, said that he was satisfied the attorneys for the Chinese had failed to make a case. The fact that an act always takes effect immediately upon its passage was referred to. He argued at length upon the power of Congress to regulate immigration and upheld the course adopted in the case of the Scott bill.

Mr. Carey had not concluded at 1 o'clock, when the court took a recess. An hour later, when court reconvened, he resumed his argument, contending that the law in the case was clear. It was within the power of a nation to say who shall come within its confines. It is not a right on the part of a foreigner—it is a privilege. A nation may protect itself against criminals or undesirable immigrants.

Attorney Mowry, who followed, referred chiefly to the Burlingame treaty. He held that the laws of 1882 and 1884 were also, so far as they related to Chinese labor, penal in every clause. This act of 1884 gave the privilege of a return to this country if the laborer provided himself with a certificate, and he was excluded if he did not, thus making a punishment if the provisions of the act were not carried out. The right was given clearly for the return of certificate holders; the Scott law takes that right away.

The matter will be concluded tomorrow.