FLURRIED OFFICERS: THE EFFECT OF CHALMER' BOMBSHELL FEDERAL COURT ...
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FLURRIED OFFICERS.

The Effect of Chalmers' Bombshell.

FEDERAL COURT SINS.

How the Restriction Act Is Nullified.

RELATIVES IN FAT OFFICES.

What the United States Judges Have to Say in Reply to the Accusations.

The CHRONICLE of yesterday contained a special dispatch from its Washington correspondent relative to the scathing report on the Federal courts in this city which Special Agent Chalmers will present to the Attorney-General to-day. The dispatch was headed, "A Bombshell," and no word could better describe its effect on the United States Court officials. From the bench to the janitor's office there was dismay and perturbation when the interview of the CHRONICLE correspondent with Agent Chalmers was read and digested. It was plain that the long-deferred day of judgment was at hand.

Agent Chalmers, in summing up his discoveries in the Federal courts in San Francisco, told the CHRONICLE correspondent that "there is a most shocking procedure in the Federal courts in San Francisco"; that writs of habeas corpus are prepared in advance in the Courts so that when a ship arrives laden with coolies the writs can be signed at a moment's notice and the Mongolian intruders brought ashore in defiance of the Restriction Act. Once ashore the coolie immigrant is safe, for he is taken to Chinatown and coached in the answers which he is to give when he is questioned on his trial about the climate of San Francisco, the size of the bay, etc. Plenty of time elapses between the landing of the coolie by virtue of the writ of habeas corpus and his appearance in court to prove his claims to prior residence. The special agent found that it sometimes took only two minutes to hear a case, and that the Court had disposed of as many as seventy-five cases in one day.

A STRONG ARRAIGNMENT.

The matter of the large fees obtained from Chinese immigrants by the clerks of the Federal courts was also touched upon in the interview of the CHRONICLE correspondent with Special Agent Chalmers. The latter said:

"The proceedings of the courts demand a Congressional investigation. This can be accomplished in two ways. The easier way is for a member of Congress to make charges against the courts, or else simply ask for an investigation in the face of the charges already made by the press; or, secondly, the Attorney-General can recommend to the President to ask Congress to investigate the courts, and Congress would in all probability do so. I should think that the Judges there would want an investigation themselves. The press intimates that they are corrupt and they are not trusted by the public. The United States courts there are held in contempt by many people. I was told everywhere that they were controlled by monopolies and rich men, and the difficulty we have in getting the timber thieves to trial there is that the courts make it as easy for those charged with the crime of stealing timber as possible."

The special agent expressed some other strong opinions with regard to the Federal courts here, but the gist of his comments is in the foregoing paragraph.

The dispatch first stunned and then enraged the Federal Court officials, who had not expected that Agent Chalmers would differ from the special agents of the Department of Justice and the Treasury who had preceded him. A number of these special agents have visited San Francisco within the past six months and gone through the formula of a regular investigation, but their researches had always been productive of rose-colored reports, lauding the investigated officials and ascribing the charges against them to blind public prejudice or partisan malice. It was supposed that Special Agent Chalmers would prove no exception to the rule, and the discovery that he was a genuine investigator full of the courage of his convictions therefore caused dismay and trepidation.

CUSTOM-HOUSE CORRUPTION.

The information which Agent Chalmers has told the CHRONICLE correspondent he shall submit to-day to the Attorney-General at Washington is not news to the public of San Francisco. During the past four years the spectacle of Chinese trooping from Hongkong in defiance of the Restriction Act and passing through the Federal courts to a permanent residence in California has attracted the attention of all thoughtful and intelligent citizens. The ease with which the Mongolian army has continued to surmount the legal barriers has caused much scandal, which became notorious when two years ago Boyd Ciprico and other Custom-house officials were investigated by the Grand Jury. Boyd had sole charge of the books of Custom-house certificates, and it was charged that he sold them by wholesale in China through an agent there. The Chinese who bought these certificates were insured of a landing, as Ciprico had sole charge of the examination of Chinese certificates at the Pacific Mail dock. While this arrangement lasted the Federal courts had very little to do with Chinese cases, for the more expeditious and profitable method was to railroad them through. The Custom-house took the cream of the business, so to speak, and everything went well until a civil service appointee named Hawes was appointed Deputy Inspector to assist Ciprico.

THE HAWES EXPOSURE.

The story of how Hawes came to be appointed is a long one, and has already been told. Suffice is to say that it was not through the influence of Ciprico or any of the others interested in the certificate brokerage. On the contrary, Ciprico violently opposed the appointment of Hawes, who was viewed with suspicion as an over-ambitious young man, and likely to expose the whole business should he learn the secret. Chance so ordained, however, that Hawes was appointed to stand at the gang-plank of a Pacific Mail steamship with Ciprico, and thus, in a most accidental and unforseen manner, the expose that has finally resulted in the indictment of Boyd and Ciprico was brought about. Hawes at once saw, as any reasonably intelligent person should, that there was crookedness in the manner of examining certificates and allowing Chinese to land. This was particularly the case with regard to women, who were worth much money as slaves for immoral purposes. The civil service appointee, being young and impulsive, told his suspicions to some of his superiors, and for his pains and zeal was reprimanded and removed to another and less desirable post. This, however, only served to increase the scandal, and finally the whole business became so notorious that all the Custom-house people who had anything to do with the landing of Chinese were brought before the United States Grand Jury.

Very strong evidence against both Boyd and Ciprico was presented. Boyd having plenty of money had already resigned. Ciprico was removed, but the Grand Jury reached no other conclusion than that there had been an illegal traffic in Custom-house certificates. It was charged by the press at the time that a Grand Jury more willing to accept evidence could not have failed to indict not only Boyd and Ciprico but several officials in higher authority in the Custom-house. The truth of this charge has recently been shown by the quickness with which another Grand Jury under a different administration of the United States Grand Marshal's office found indictments against Boyd and Ciprico.

THE FEDERAL COURTS.

The expose of the manner in which Boyd could do as he pleased with Custom-house certificates and Ciprico could pass as many Mongolians as he liked ashore had the effect of stopping the influx of coolies through the Custom-house. The base of operations was promptly shifted to the Federal courts, and through these the Chinese now troop to Chinatown.

Special Agent Chalmers spent a considerable time here watching the operations of the Federal courts, and his report, if as full and vigorous as he has outlined it to the CHRONICLE correspondent, will cause a change of sentiment in the East with regard to Chinese immigration and the Restriction Act. Three or four attorneys do all the Chinese business in the Federal courts and from these no information can of course be given. It is well known in the legal profession that this Chinese business is exceedingly profitable, and it is equally well understood that no other attorney can get along as well as the quartet which keeps the habeas-corpus mill in operation and daily swells the population of Chinatown. A sharp young attorney who has had business occasionally in the Federal courts thus described to a CHRONICLE reporter yesterday the way in which the Chinese are landed since the Custom-house route was abandoned:

A FAT FEE BONANZA.

"The persons engaged in this business of bringing Chinese to San Francisco have a regular agency at Hongkong, and there all Chinese able to pay the required amount are guaranteed a landing in San Francisco. If they cannot be landed here they are to be sent back free of charge to Hongkong. To insure this the speculators give the Pacific Mail Company a bond, so that the company may be guaranteed against loss in having to take Chinese back if refused admission by the Federal Courts. Now, does not that show on the face of it intent to evade the Restriction Act? Why should it be necessary to give a bond if the passengers were coming secure in the knowledge that they had been here before and had a right to land? It is well known, however, that these Chinese passengers are adventurers, coming to California for the first time, and paying their money on the promise of being enabled to reside here. This promise is easily kept, unless the immigrant be very stupid or some unforeseen accident occurs to interfere with the programme. Long before the ship freighted with these guaranteed coolies is sighted writs of habeas corpus are prepared, with the assistance of the clerks of the Federal courts, who get $17 50 for each writ. You see, it is well worth their while to get out the writs. The United States Marshal gets $2 for serving a writ, so that he also has a lively interest in being accommodating and expeditious. The $17 50 is not all that there is in the business for the Federal Court clerk, for as Commissioner of Court he is entitled to other fees if depositions have subsequently to be taken, or if an appeal be taken there is another fee of $10. In one way and another the fees can be run up to quite a respectable figure, so that the influx of Chinese means money to the Federal courts.

GRIST FOR THE MILL.

"As soon as the ship touches the dock the Custom-house officers examine all Chinese and permit those having proper certificates to land. The others, who have arranged with the Agency at Hongkong to defraud the Restriction Act, have either some other man's certificate, or what is better, none at all. If the bogus ex-Chinatown merchant or barber with a fraudulent certificate comes any way near the description on the certificate he is sure of being allowed to take his way in peace to Jackson or Dupont street. While he is gazing in stolid wonder at the Custom-house officials who have prevented him from landing, the Chinese agent arrives with the United States Deputy Marshal and the saving bundle of writs of habeas corpus. The agent, of course, has never seen the immigrants before, and has only the names sent on in advance from Hongkong by another steamer. These names are inserted in the writs and the agent calls out Sing Chung, or whatever the name may be, and the Sing Chung answers as instructed in Kongkong. Wong Mow, or whatever the next fellow's name may be, is called and he answers, and so on till all the writs have been served. These writs command the captain of the ship to surrender the Chinese who are detained on his ship and permit the Marshal to take them before the august presence of Judge Sawyer or Judge Hoffman that reason may be shown why they should not be allowed to go ashore in peace. The Marshal accordingly escorts the gang of immigrants to the Federal Court building, where bonds have been prepared for the appearance of the coolies when wanted for trial. The clerks get another fee for making out these bonds. The Court then accepts the bonds and sets a day for the appearance of the coolies to stand trial as to their right to land.

MAKING PRIOR RESIDENTS.

"Then they are at liberty to go up to Chinatown and learn all that they want, so as to show, when called for trial, that they have previously resided here. Of course, this is a farce of the most ridiculous kind, and all China could come here that way if it were able to pay the agency in Hongkong. Mind you, the Chinese who is able to pay the agency needs no certificate at all. As I previously said, it is all the better that he should have none. The law is that all Chinese who left the United States prior to the treaty of November, 1880, can return if able to prove prior residence. They are not expected to have certificates, for none were needed when they left. All that they need is a couple of good handy Mongolian perjurers who will swear that they knew the applicant to have lived here prior to November, 1880. It does not cost much for expert swearers in Chinatown. The applicant must be able to tell the Judge that small boys never skate in San Francisco; that there is a big sea all round the city; that cars without horses run up the hills, and that 'Melican man who live North Beach velly much like have a brass band play at his funeral.' The Court is completely overwhelmed by these astounding proofs that the arrival from Hongkong is an old and respected resident of Chinatown, and an order is forthwith made discharging him from all bonds and custody and allowing him to take up his permanent residence in Chinatown. Bear in mind that the applicant has had weeks or perhaps months in Chinatown from the day of his landing to the day of his trial to pick up words of English and familiarize himself with the sights of the city. Even if he should prove densely stupid and say that snow fell all the year in San Francisco or that Sacramento, where he perhaps claims to have once resided, is on a high hill he is not in danger. Astute attorneys explain that he has misunderstood the question—that the interpreter does not fully comprehend his dialect—and the upshot is that a continuance is obtained for further evidence. Meantime the thickheaded Mongolian is again coached and finally effects a safe landing. If he is hopelessly stupid it is not by any means impossible to have some sharp fellow personate him and answer the questions of the Court satisfactorily, so that you see the chances of a coolie being sent back to Kongkong to demand his money back from the agency there are very few."

Another attorney, who has had some experience in Chinese business in the Federal courts, said:

THE RELATIONS OF JUDGES.

"I read with pleasure the CHRONICLE correspondent's interview with Special Agent Chalmers, and I sincerely hope that the result of the affair may be a Congressional investigation. If such a thing be properly conducted, it must end in a modification of the Restriction Act and do a vast amount of good to the Pacific coast by stopping the coolie influx. I know that Judge Sawyer and Consul Bee say the Chinese are going back to China faster than they are coming, but let those who like believe them. The evidence is the other way. The Restriction Act is absolutely a dead letter, for every Chinese who is able to pay can come to America. Formerly they paid to the Custom-house and enabled Boyd to take baths in champagne and Ciprico to buy a ball on Fourth street, several buildings on Van Ness avenue, other valuable city property and two ranches in northern counties. I understand he has that property yet, though the fact has never been shown. Boyd has had a good time out of his money. Now the business is all done in the Federal courts. The Federal Judges resent any imputation cast on their honor. Admitting that they are the most honorable persons in the world, it is quite possible for them to be used without their suspecting it. I know that in one case where I could not get a continuance, another attorney, who is in the ring, immediately got the case put over for a week and had the applicant bonded. The fees paid the Federal Court clerks run up to large figures. I understand that there is some misunderstanding about these fees. The law is that a clerk shall have a salary of $7000 a year, which of itself is not bad. All over that salary is to be turned into the treasury and properly accounted for. The Federal Court clerks here, however, are also Court Commissioners, and as such entitled to other fees and expenses, so that I guess an investigation would show that they make considerably more than $7000 a year. They are not in the habit of stating just how much they make, and will not be likely to tell you if you inquire. Another thing which I would like to see on investigation is whether Federal judges have a right to keep their immediate relatives as clerks. There is a law prohibiting that practice, but like others in San Francisco it has been a dead letter. I hope sincerely that the special agent's report will be as strong as he intimates, and that we may have an investigation that shall settle just what are the duties of a Federal judge. It is not so long ago since Judge Sawyer issued a writ of injunction restraining a Board of Supervisors from passing an ordinance. Good lawyers think that the whole matter of issuing writs of habeas corpus, which has given rise to so much scandal, is an arrogation of power quite unlawful."

JUDGE HOFFMAN'S IDEAS.

Judge Hoffman was seen yesterday afternoon by a CHRONICLE reporter. He said he was much surprised by the language used by Special Agent Chalmers and could hardly believe that the special agent was rightly understood. It seemed incredible to him that the agent should have said: "I will say at the outset that I do not charge that the Judges are corrupt, and I do not say that they are upright and honest, for it is not my business to make any statement concerning them."

This language the Judge thought was unjustified, but he did not propose to answer it. He confined his remarks to the other statements of the special agent. He agreed that a statute of limitation was sadly needed and said that he had personally urged on some of the Congressional representatives the necessity of such a law. The proper thing, the Judge thought, was for the Government to take the position that six years having elapsed since the treaty was made ample time had been given for Chinese who left before 1880 to return. A specified time should be set in which all desiring to come back might return and present their proofs, but after that there should be total exclusion for all not provided with proper certificates. As to abolishing fees and making writs of habeas corpus free to Chinese he thought that would only help the Mongolian instead of doing any good. He thought it more advisable to make their efforts to get into the country expensive rather than cheap. The principal sufferer by giving the free writs would be the United States. Judge Hoffman stated that the clerk of his court could make no money after reaching the maximum allowed by law. What that maximum was he did not state. The excess must be properly accounted for, and is.

Judge Hoffman favored the adoption of a certificate unlike the present one, which contains a description of the person to whom it is issued. The new certificate should contain only a number, and the description of the person to whom it was made out should be kept in a secret record in the custody of the Collector of Customs. This certificate would not tell even the sex of the owner. One difficulty might be that applicants would say they were born here, and therefore, according to Judge Field's decision, as citizens of the United States were entitled to land. It had been suggested to the Judge to change his court interpreter, who was not acquainted with all the Chinese dialects, but this would necessitate the employment of a Chinese, and the cure would be worse than the disease.

"The whole business is both annoying and distasteful, and I assure you it is anything but agreeable to sit all day in a room filled with ill-smelling, infernal Celestials," said the Judge, "and I wish there might be an end of it."

JUDGE SAWYER INCREDULOUS.

Judge Sawyer of the Circuit Court was also seen regarding the charges made by Agent Chalmers. He was at first disinclined to talk on the subject, remarking that it would be undignified and unbecoming to his position, but he allowed himself to be drawn into conversation, and his reserve gradually melted away.

"I cannot talk upon the subject calmly," he said, "and therefore wish to avoid it. Should an investigating body be appointed my answer will be ready when I am brought before it. In the mean time I cannot satisfy myself that Colonel Chalmers is responsible for the charges contained in the CHRONICLE, and I must have more evidence before I can believe it. The assertion that my clerk, who is a second cousin to me, is making from $25,000 to $30,000 a year is absolutely without foundation. The statute provides that a clerk of the United States courts shall receive his compensation out of his fees; and out of this he must pay all his office expenses which have been limited by the Attorney-General to $4000 a year. When the amount of fees in excess of expenses is over $7000, the balance is sent to Washington. In these Chinese cases Mr. Sawyer has been compelled to employ additional help and this additional expense comes out of his own pocket. Of course, during the last few years he has been amply compensated, as the Court has been especially busy; but there have been years when his fees amounted to very little. I have tried to get the United States Supreme Court to take hold of the Chinese business and decide whether it is within the jurisdiction of the Federal courts to issue writs of habeas corpus; but no action has been taken. Both myself and Judge Hoffman have advocated the abolition of the prior residence plea, which has been one of the largest avenues through which the Chinese have entered the country in defiance to the provisions of the Restriction Act. All I can do is to administer the law as it is laid down to me, and if that law is defective, I cannot be blamed for it."

Southard Hoffman, as the Clerk of the United States District Court, was full of wrath at the charge that he has been making $25,000 a year through Chinese business. He said Agent Chalmers had had access to his books, and he knew that they were in every respect correct.

The Government reporter, Clement Bonnett, who came in for some criticism, showed that he only received from the Government $200 a month for attending to all its civil and criminal business. He has to employ two assistants, so that the fee of $1 in each case, which he gets from the Chinese attorneys, he considers his fair privilege. Judge Hoffman took the same view of the matter, and said:

"If the Government objects to its reporter being partly paid by the persons who have cases in court, let the Government pay him properly. It has refused to give the rates paid by the State, and I don't see why a reporter should not get a portion of his fee from each side on a Chinese case as he does in ordinary cases. I don't think the reporter has been sufficiently paid for what he has done."

CONSUL BEE.

Consul F. A. Bee was asked what he thought would be the result of Chalmers' charges regarding the alleged crookedness.

"As for the two judges who occupy the Federal benches in this city," replied he, "those gentlemen need no defense from me; their integrity is too well established to be shaken by the wild ravings of Mr. Chalmers, whoever he may be. At the time he was out here I invited him to call at the Consul's office and obtain our assistance regarding any crookedness in which he was engaged in investigating, but he never came.

"As for the United States District Attorney, I am not prepared to say anything regarding him because my knowledge of his ability is not sufficiently extensive to pass upon his merits."

Collector Hager is not surprised by the report, and says:

"I thought it would come to that, but I expected to see it before. I have frequently called attention to the high-handed manner in which the Federal Judges have taken the responsibility of landing Chinese. I consider the whole business illegal. They have no right to issue writs of habeas corpus to Chinese who are not landed, thereby doing the very thing the Restriction Act prohibits."

GENERAL CAREY WROTH.

United States District Attorney Carey, who was interviewed last night in the Palace Hotel, said:

"In the first place I cannot believe that the dispatch is correct, because when Mr. Chalmers was here he expressed no dissatisfaction at the conduction of my office. I have inquired as much as possible today from people with whom he conversed when he was here, but I find no one to whom he expressed an opinion which would lead to the recommendations said to be embodied in his report. On the contrary, as far as I am able to learn, he spoke favorably of the District Attorney's office. He was a great deal with Marshal Franks when he was here, and Franks also says that he spoke favorably of that office."

"Suppose that these charges and recommendations are in the report; will you demand an investigation?"

"I most certainly shall. Understand me correctly, however. As yet I know nothing of the report or its contents, and do not care to express an opinion until we know more of it. That I think will probably be on Saturday, as I think the dispatch said the report would be filed to-morrow. I am always ready to meet any charges brought against me, and I court a full inquiry into the conduct of my office since I have been there. I have always tried to act upright and to the best of my ability, and I am confident that I have done so. These insinuations against the Judges I consider an infernal outrage. I came here determined to be very careful in the management of Chinese cases, and I watch all proceedings closely. I came here, I may say, with something of a prejudice against the Judges, but that has all been dissipated. I think that both those gentlemen do their duty well and are honest men.

"But in these Chinese cases the Government is absolutely powerless. For instance, before a ship arrives writs will be made out for the Chinese on board. We do all we can to enforce the Restriction Act. In fact I made that one of my chief fights when I entered the office. I knew that the people wanted the law enforced. I am a young man. I was ambitious, and I knew that the measure was popular. I tried to enforce it. I did all that had been done before and looked for new means for preventing the Chinese to land. There are two examinations before the Chinese go into court; one is on the ship and the other in my office. There are two chances given the Chinese before going into Chinatown to tell conflicting stories, but it effects nothing. They are coached by letter before coming here and say that they worked for some man on Dupont street, in Chinatown, where there is no white testimony. Then we have to go on Chinese evidence alone. The man who is said to have been the employer will bring his books into court and show what he says is an account made by him of the work done and the money paid to the man who is out on the writ. It believe that many of these books are prepared especially for this purpose, but we are unable to get reliable expert testimony to prove it. In a case I now recall I examined a book in which were a number of blank pages which might have been filled in to suit different men."

STENOGRAPHERS AND INTERPRETERS.

"What is your opinion of the statement that the interpreters and stenographers are feed by the Chinese?"

"Well, as to the stenographers arranging cases so that they may make money out of them, that is impossible, because it is the Controller who determines how many cases there are, because it is he who refuses to land the Chinese."

"Do you know whether the stenographer has ever been feed by the Chinese?"

"Well, some time in October Mr. Scott came to me and complained because Bennett was being paid by the Chinese. I spoke to Bennett and asked him if it was true. He was perfectly candid about it and said that it was true. He said that unless he was paid by the Chinese he could not keep the place and asked me if I thought that because he was paid by the Chinese he would be prejudiced. I said I did not think so, but that at first blush it looked strange. Since then I do not know whether Mr. Bennett has been paid by the Chinese or not. I wrote to the Attorney-General about the matter and told him that the stenographer was forced to take fees from the Chinese. I received no reply. The salary of the interpreter is only $75 a month, which is very small. The interpreters in the Police Court even get more than that. Since I found I could do nothing with the Chinese cases I have devoted myself to other matters and left the management of these cases to my assistants. After one gets accustomed to it it is nearly all routine work. I noticed, however, that there were two or three interpreters around the court, and I inquired how they were paid. I was told that Mr. Vrooman, the regular interpreter, paid them. I considered it curious that out of $75 a month he could afford to pay two or three assistants. I do not know nor have my assistants ever told me that Mr. Vrooman was paid by the Chinese. I must say in this connection that I consider Mr. Vrooman an honest man."

During the conversation Mr. Carey referred to the attacks of certain newspapers upon him in reference to the Ciprico indictment and the Chinese procuress case, and he desired to state that although he was aware of the fact that as District Attorney and head of the office he was responsible for everything, he had nothing to do with either of those cases, the Ciprico matter having been in the hands of McPike and the procuress case in the hands of Weller.

"If you demand an investigation," the reporter asked, "how will it be conducted? Will it go to the Attorney-General?"

"No; it will go straight to the President, and will probably be conducted by members of Congress. It will probably be taken away from the Department of Justice."

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