

PROBLEM-BASED LEARNING
IN THE SOCIAL SCIENCES

Excluded!

Chinese Immigration to the United States

Resource Book

Compiled by
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Laws and Regulations

See also:

Chew Heong v. United States, 112 U.S. 536 (1884), argued 30 Oct. 1884, decided 8 Dec. 1884 by vote of 7 to 2, Harlan for the Court, Field and Bradley in dissent.

United States v. Jung Ah Lung, 124 U.S. 621 (1888), argued 9 Jan. 1888, decided 13 Feb. 1888 by vote of 6 to 3, Blatchford for the Court, Harlan in dissent.

Chae Chan Ping v. United States (also recorded as *The Chinese Exclusion Case*), 130 U.S. 581 (1889), argued 28 Mar. 1889, decided 13 May 1889 by vote of 9 to 0, Field for the Court.

Fong Yue Ting v. United States, *Wong Quan v. United States*, and *Lee Joe v. United States*, 149 U.S. 698 (1893), argued 10 May 1893, decided 15 May 1893 by vote of 6 to 3, Gray for the Court, Brewer, Field, and Fuller in dissent.

The Geary Act

Fifty-Second Congress. Session I. 1892

Chapter 60. *An act to prohibit the coming of Chinese persons into the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: Provided, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of removal of such person to that country, he or she shall be removed to China.

SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

SEC. 4. That any Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period not exceeding one year and thereafter removed from the United States, as hereinbefore provided.

SEC. 5. That after the passage of this act on an application to any judge or court of the United States in the first instance for a writ of habeas corpus by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States, at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer, within the limits of the United States, who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested, by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act; and if upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases, the cost of said arrest and trial shall be in the discretion of the court. And any Chinese person other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.

SEC. 7. That immediately after the passage of this act, the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicant, and shall contain the name, age, local residence, and occupation of the applicants, such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowing utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

SEC. 9. The Secretary of the Treasury may authorize the payment of such compensation in the nature of fees to the collectors of internal revenue, for services performed under the provisions of this act in addition to salaries now allowed by law, as he shall deem necessary, not exceeding the sum of one dollar for each certificate issued.

Approved, May 5, 1892.

Chinese Exclusion Law

Number [Public No 71] H.R. 5804

Forty seventh

Congress of the United States, *At the First Session,*

Begin and hold at the CITY OF WASHINGTON, in the DISTRICT OF COLUMBIA, on Monday, the 5th day of October, eighteen hundred and eighty-one.

An Act

To execute certain treaty stipulations relating to Chinese.

Whereas, In the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore, Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said ninety days, to remain within the United States.

Sec. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

Sec. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and who shall produce

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from any vessel of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

Sec. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper office of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, by direction of the President of the United States, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States.

Sec. 13. That this act shall not apply to diplomatic and other officers of the Chinese Government travelling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

Sec. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Sec. 15. That the words "Chinese laborers", wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

John M. Spooner
Speaker of the House of Representatives.

David Davis
President of the Senate, pro tempore.

Approved May 6, 1882.

Charles A. Smith

Chinese Exclusion Law

Forty-Seventh Congress. Session I. 1882

Chapter 126. *An act to execute certain treaty stipulations relating to Chinese.*

Preamble. Whereas, in the opinion of the Government of the United States, the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof:

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said ninety days, to remain within the United States.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port of place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port of place: Provided, That all Chinese laborers brought on such vessel shall depart with the vessel on leaving port.

SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and in order to furnish them with the proper evidence of their right to go from and come to the United States of their free will and accord, as provided by the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry-books to be kept for that purpose, in which shall be stated the name, age, occupation, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to, and shall receive, free of any charge or cost upon application therefor, from the collector or his deputy, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the name, age, occupation, last place of residence, personal description, and fact of identification of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese laborer after having received such certificate shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel, and if

such Chinese laborer shall fail to return to such vessel before her departure from port, the certificate shall be delivered by the master to the collector of customs for cancellation. The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter; and upon delivery of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom house and duly canceled.

SEC. 5. That any Chinese laborer mentioned in section four of this act being in the United States, and desiring to depart from the United States by land, shall have the right to demand and receive, free of charge or cost, a certificate of identification similar to that provided for in section four of this act to be issued to such Chinese laborers as may desire to leave the United States by water; and it is hereby made the duty of the collector of customs of the district next adjoining the foreign country to which said Chinese laborer desires to go to issue such certificate, free of charge or cost, upon application by such Chinese laborer, and to enter the same upon registry-books to be kept by him for the purpose, as provided for in section four of this act.

SEC. 6. That in order to the faithful execution of articles one and two of the treaty in this act before mentioned, every Chinese person other than a laborer who may be entitled by said treaty and this act to come within the United States, and who shall be about to come to the United States, shall be identified as so entitled by the Chinese Government in each case, such identity to be evidenced by a certificate issued under the authority of said government, which certificate shall be in the English language or (if not in the English language) accompanied by a translation into English, stating such right to come, and which certificate shall state the name, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the certificate is issued and that such person is entitled conformably to the treaty in this act mentioned to come within the United States. Such certificate shall be prima-facie evidence of the fact set forth therein, and shall be produced to the collector of customs, or his deputy, of the port in the district in the United States at which the person named therein shall arrive.

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of vessel pursuant to the law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese Government traveling on the business of that government, or their servants, with a note of such facts), and the name and other particulars, as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any willful refusal or neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of cargo.

SEC. 9. That before any Chinese passengers are landed from any such vessel, the collector, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation on any district of the United States into which such vessel may enter or in which she may be found.

SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall knowingly aid or abet the same, or aid or abet the landing in the United States from any vessel of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, by direction of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States.

SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC. 15. That the words "Chinese laborers," whenever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Speeches and Commentary Supporting Chinese Immigrants

The Central Pacific Railroad

Printed in the San Francisco *Evening Bulletin*, April 28, 1869

Yesterday's failure has nerved every man to such exertion that no accident can possibly occur. Do you see that platform car, loaded with iron, coming up the track? It is wheeled along by a pair of horses, hitched in tandem, galloping at the side of the track in the manner of a two team hauling a canal boat. They are met by another car, returning after having left its burden of rails at the front. This car is bowling along the downward slope pushed by men on each side, using their feet like oars. Surely, there must be a contretemps, for vehicles cannot pass on a single track.

But wait! The downhill car is stopped in an instant. The men lift it off the track and stand it on edge, and the loaded car slips past without delay.

Arrived at the front, two men throw a wooden bar beneath the wheels to stop the car. The horses are detached and gallop to the rear. On either side of the car, four men seize hold of a rail with iron nippers, haul it forward off the flatcar, and lay it on the awaiting ties. The car moves forward. After it comes a gang of men who half way drive the spikes and screw on the fish bolts. At a short interval behind this group comes a squad of Chinamen to hammer home the spikes. Behind these is a second squad of Chinamen, two deep, on either side of the track. The outer line, armed with picks, loosens the dry earth; the inner line, with shovels, scrapes up the soil and throws it around the ties.

I timed the whole movement twice. First time, 200 feet of rail laid in one minute and twenty seconds. Second time, 200 feet in one minute, fifteen seconds. This is about as fast as a leisurely walk—as fast, in other words, as the early ox teams used to travel across the plains. It may seem incredible, but it is nevertheless fact, that ten miles of rails are to be handled and laid down this day by these eight white men and these crews of Chinese laborers.

But we have only taken in a portion of the scene. Along the line are overseers, galloping up and down, seeing that everything is properly done. In a carriage right at the front sits Mr. Charles Crocker, the general superintendent of construction for the Central Pacific Railroad, and Mr. J. H. Strobridge, his first officer...

By 6:00 A.M. two miles of rail have been laid. A train containing two more miles of iron is pushed forward from the rear. As it steams up to the last rail, a squad of men rushes forward, and in exactly ten minutes the train has been completely unloaded: 200 tons of iron rails and ten tons of spikes. Then the small horse-drawn cars are loaded with iron and start ahead, one after another. Meanwhile, the ties are being hauled along a parallel route on the right, while water carts and wagons move forward on the left.

By noon it begins to appear that the great feat will be successfully accomplished. In six hours and forty-two minutes, the Central Pacific has laid six miles of track. But here are 1,200 to 1,400 men to be fed...and they are six miles from the "house" they left at dawn. Far to the rear, one can behold a strange sight. It looks like a village in motion. It is the boarding-house train, composed of a number of plain, wooden house cars with peaked wooden roofs. Inside are the bunks of the workers, arranged in the manner of the steerage of a ship, and also the dining rooms, where these men are fed like fighting cocks. The bread and meat are of the very best.

As soon as the boarding-house train is at hand, implements are thrown down and the white laborers retire to their dinner. The Chinamen bring their food with them to dine on the line of work....

Each of the four front men ran thirty feet with one hundred and twenty-five tons. Each of the four men lifted and placed one hundred and twenty tons at their ends of the rails. The distance traveled was over ten miles, besides extra for walking.... Those eight men would not consent to shift and are proud of their work. They, like all Central Pacific men, are water-drinkers.

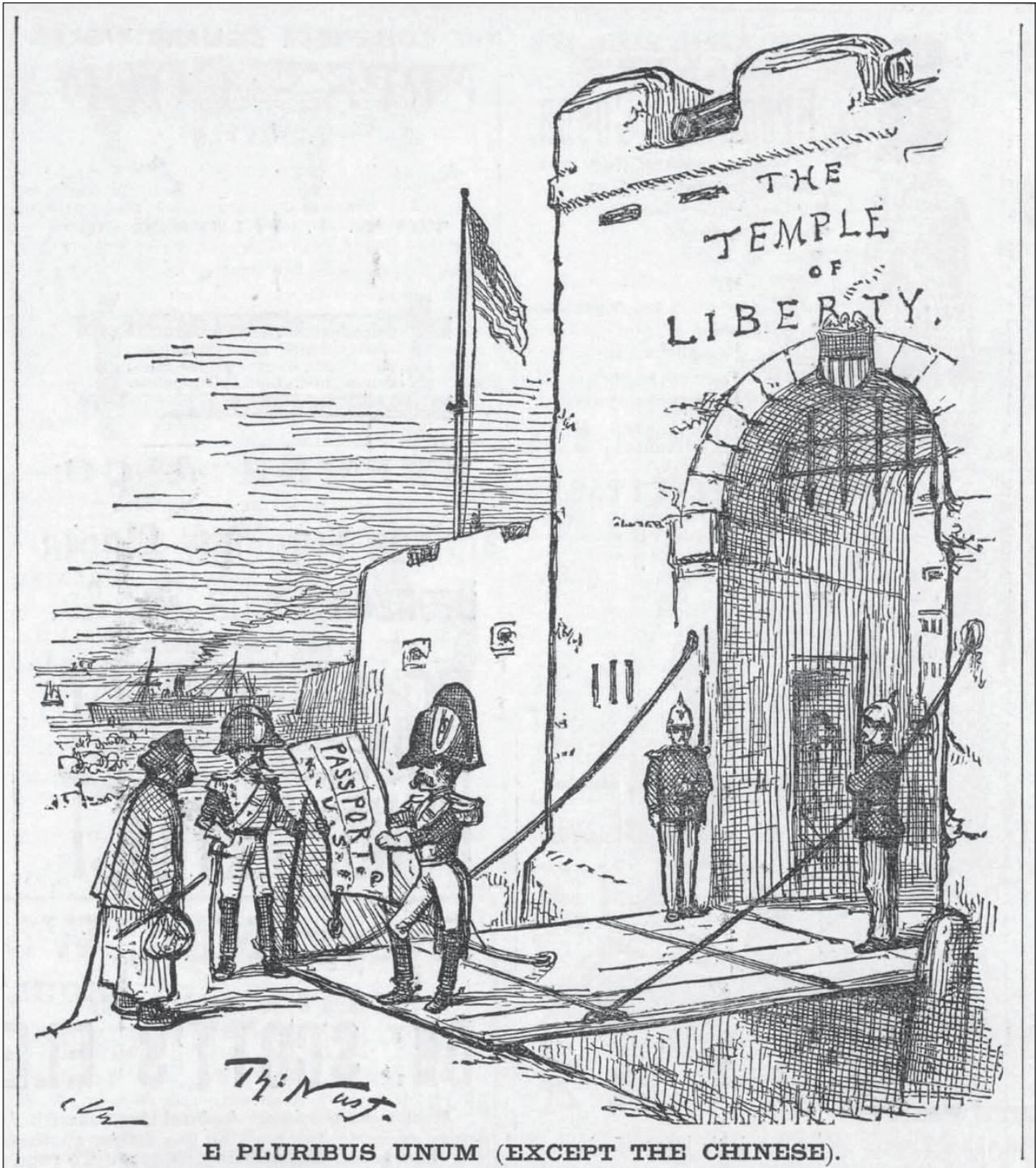
Immediately in front of the eight are three pioneers, who, with shovel and by hand, set the ties thrown by the front teams in position; while this is done, another party is distributing spikes and fresh bolts at each end of the rail, while some of the party are regulating the gauge. These tracklayers are a splendid force, and have been settled and drilled until they move like machinery....

Beside the tracklayers come the spike-starters, who place all the spikes needed in position; then comes a reverend looking old gentleman who packs the rails and uses the line, and, by motion on his hands, directs the track-straighteners. The next men to the spike-drivers are the bolt screwers, quite a large force. Behind them come the tampers, four hundred strong, with shovels and crow bars. They level the track by raising or lowering the ends of the ties, and shovel in enough ballast to hold them firm. When they leave it, the line is fit for trains running twenty-five miles an hour. When all the iron thrown on the track has been laid, the hand cars run to the extreme front, and the locomotive and iron train come as close to the front as possible; another two miles of iron is thrown off, and the process repeated. Alongside of the moving force are teams hauling tools, and water-wagons, and Chinamen, with pails strung over their shoulders, moving among the men with water and tea....

The scene is a most animated one. From the first pioneer to the last tamper, perhaps two miles, there is a thin line of 1,000 men advancing a mile an hour; the iron cars, with their living and iron freight, running up and down; mounted men galloping backwards and forward. Far in the rear are trains of material, with four or five locomotives, and their water tanks and cars.... Keeping pace with the tracklayers was the telegraph construction party, hauling out, and hanging, and insulating wire, and when the train of offices and houses stood still, connection was made with the operators office, and business of the road transacted....



Source: www.loc.gov



Source: <http://immigrants.harpweek.com/ChineseAmericans>