

IMMIGRATION FILE

U. S. DEPARTMENT OF LABOR
IMMIGRATION SERVICE

No. 678

CHICAGO, ILLINOIS

SUBJECT: _____

14-204

No. 678.

October 7th, 1908.

Manager of Hip Lung Ying Kee & Co.,

323 So. Clark St.

Chicago, Ill.

Sir:-

The Chinese Inspector in Charge at Portal, North Dakota, has notified me that MOY TONG, an alleged member of your firm will be rejected should he apply for admission at that port.

This is the case upon which you desired an investigation made prior to applicant's departing from China for the United States. You are informed, however, that should Moy Tong appear in person and make an application for admission, he will be entitled to an appeal to the Secretary of Commerce and Labor after he is rejected by the Inspector.

Respectfully,

(Signed) L. T. Plummer
Chinese Inspector in Charge.

No. 678.

October 2nd, 1908.

Mr. L. T. Plummer,
Chinese Inspector in Charge,
Chicago, Ill.

Sir:-

I have the honor to state that I have investigated the case of MOY TONG, an alleged merchant now in China, who claims to be a partner in the firm of Hip Lung & Co., 323 So. Clark St., this city.

These papers were submitted for an ad interim investigation, and I have taken a statement from Moy Dung Moy who claims to be the treasurer and general manager of this firm and who also claims connection with the Hip Lung concern from the time that it first started doing business. I attach hereto a transcript of the notes taken at his examination.

It appears from the application of Moy Tong that he departed through the port of San Francisco on the steamship "Coptic" September 17th, 1898, as shown by the vise made by an Inspector at that port under the said date. Therefore, this applicant has been absent from the United States for over ten years. Now he seeks to return as one of the members in the firm stated.

Since Moy Tong departed, the firm of Hip Lung & Co. has undergone several changes, and the partnership lists filed at this office by the firm and sworn to by its manager under the dates of October 15th, 1903 and September 15th, 1905, do not show the applicant as

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one of the partners in this concern. The present manager of the concern who filed a list September 15th, 1905 and swore to the same, has tried to make it appear that this applicant may have also been listed under the name of Moy Lung but maintained that on their books his interest stood in the name of Moy Tong. However, granting that it should be Moy Lung in the partnership list filed September 15th, 1905, it is shown on that list that Moy Lung was in Chicago on that date and that his interest in the firm was \$900.00 which would not bear out the present manager's contention.

The firm of Hip Lung Ying Kee & Co. was discontinued, was ~~xxxxxxx~~ re-organized and incorporated under the laws of this state November 26th, 1907. A list of the men who took out stock in this new concern was filed at that time but does not show this applicant as being interested in the company; This stock was cancelled and new issued July 24th, 1908 and a few more names added to the list of stockholders. In this last list the name Moy Tong (Moy Dung Look) appears, and he is credited with five shares in the concern. The manager and treasurer of this company filed this list, and he said, in his sworn statement to me, that each one of the subscribers to stock in this company under its last organization, receipted for the same in person and that their signatures appear on the stubs in the stock book. Then, when he was confronted by the statement that it would be a physical impossibility for this applicant to do so, since he was in China, he changed his statement and said that the brother of the applicant signed the stub for him.

In view of the lapse of time since the applicant left the country, and in view of the several changes in this firm during his absence and because of the fact that his name has been left off the

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the partnership lists filed by this concern, and in view of the unsatisfactory testimony given by Moy Tung Koy, the treasurer and manager, I do not believe that Moy Tong has any interest whatever in the firm, nor do I think that he had had an interest there for the last ten years. Therefore, I respectfully recommend that he be denied admission to the United States.

I did not seek the white witnesses to these papers, for the reason that it is clearly established in my mind that this man is not a bona fide merchant and not a member of the firm he claims to be.

Respectfully,

Chinese Inspector.

522, Commercial Nat'l. Bldg. CHICAGO September 30th, 1908.

Case of : H. E. Tippet, Examining Inspector.
MOY TONG, : Charley Kee, Interpreter.
Returning merchant. : W. B. Calkins, Stenographer.

Witness, MOY TUNG HOY, sworn by Inspector Tippet, testified:

Q What is your name? A. Moy Tung Hoy.

Q What is your occupation? A. Chinese grocery store.

Q What is the name of your firm? A. Hip Lung Ying Kee & Co. and it is located at 323 So. Clark St.

Q What position do you occupy in that concern? A. I am the treasurer.

Q Being the treasurer of this firm, are you also the manager of it? A. Yes, also the manager.

Q And you have the whole supervision of the management of the business? A. Yes.

Q When was the firm of Hip Lung established? A. About twenty-four years ago.

Q How long have you been connected with it? A. Ever since it started.

Q What is the combined property of the concern worth now?

A. \$17,000.00.

Q How many members are there in the firm? A. Thirteen.

Q At the present time there are only thirteen members in this concern? A. Yes.

Q Has this firm been incorporated under the laws of the state of Illinois? A. Yes.

Q When was it incorporated? A. Last year, November 26th.

Q Has there been any change since then? A. Yes, there has been some changes in stockholders, last July 24th.

Q Did you re-incorporate your concern? A. Yes.

Q You have been incorporated twice? A. Yes.

Q How many members were incorporated the last time? A. Thirteen.

Q All of these thirteen filed with the Incorporating Commissioners? A. Yes.

Q In that incorporation, what did you give as the combined capital? A. \$17,000.00.

Q And is that capital stock held by thirteen persons? A. Yes.

Q At the time you first incorporated, it eliminated all the other members who had been members of the old firm? A. Yes, we sold it all out, and issued the stock all over.

Q Those members of the old firm who did not receive stock in the new corporation ceased to have any interest in the concern? A. Yes, only a few went into the corporation.

Q All those whose names do not show in the corporation papers cease to have an interest in the concern? A. There were thirty-four members in the first place. When that was all sold out there were only thirteen left. Some new members came into the company who had not been included in the thirty-four.

Q All of the thirty-four who did not come into the new corporation were dropped? A. Yes.

Q I have here a partnership list of Hip Lung Ying Kee, 321 So. Clark St. showing the members of the concern under the incorporation dated November 26th, 1907, signed by Moy E. Choon, President of said company. I hand it to you and ask you if that was a correct list of the persons who held stock in the company at that time? A. Yes.

Q (This list shows eight members.) Then you were incorporated July 24th, 1908, were you? A. Yes.

Q I also have a partnership list of the Company giving the names of the shareholders and the amount of their shares on September 26th, 1908, which shows thirteen members. I hand you that list and ask you if it is correct? A. Yes, it is.

Testimony of MOY TUNG HOY, continued:

Q (Referring to applicant's paper) showing photograph of applicant) Do you identify the photograph on this paper?

A Yes sir.

Q Whom does that picture represent? A Moy Tong.

Q The vise on this paper shows that he departed via San Francisco September 17th, 1898 per steamship "Coptic". Is that the time that he went to China? A Yes.

Q Has he been back to this country since then? A No. He has been sick at home.

Q He has been continuously absent from the United States from that time? A Yes, he has been home ever since.

Q When you first reorganized your firm and took out your first incorporation papers, Moy Tong's interest ceased? A. When the old members sold out. The money for Moy Tong's share was left in care of his brother. His name appears in the thirty-four partners.

Q When the firm was re-organized his interest was eliminated? A. But thirteen persons had interest in it.

Q When the firm was re-organized and first incorporated, this man had no longer an interest in it, did he? A. He didn't have any interest in it then. The money was left in his brother's care to see if Moy Tong wanted to come back into the Company of Hip Lung.

Q When you re-organized and incorporated, the old firm was insolvent, wasn't it? A. Of course we cut off the thirty-four partners and made a new company.

Q There was nothing left for these thirty-four? A. No. If anyone wants an interest in the Company now, he comes in as new.

Q Then there was nothing left for Moy Tong after the Company was incorporated, was there? A. His brother controlled his money, and his brother did not buy any stock until he notified him.

Q How could Moy Tong's brother control the money when the old firm was not solvent? A. Moy Tong asked him by letter.

Q Were there any proceeds of the old firm left when you re-organized? A. The money left by the thirty-four went into this corporation.

Q Was not the firm insolvent at the time you incorporated? A. Yes.

Q Then if you were insolvent, there was no money left to the old partners? A. There was \$5,000.00 left to the members of the old firm.

Q Was that divided pro-rate to each partner? A. Yes, between the thirty-four.

Q What was Moy Tong's original interest? A. It was over \$400.00 in the firm.

Q Was it over \$500.00? A. Over \$500.00.

Q And you took this \$5,000.00 and divided it pro-rata according to each one's share? A. Yes.

Q How much money did the old partnership have when it went out of business? A. Over \$7,000.00 including the location which is used by the new company.

Q Then you took that money and divided it among the thirty-four members of the old firm? A. Yes.

Q Each man got his share of this \$7,000.00, pro-rata, according to the amount which he had invested? A. Yes.

Q That would leave a very small amount to this man. (Referring to applicant) A. I think there was \$480.00 that came to him.

Q Then when you re-organized and incorporated November 26th, 1907, Moy Tong didn't take any stock in the new company? A. No. We didn't get any word from him then and he didn't come in.

Q Was this applicant listed in your firm always under the name that he takes in this paper, Moy Tong? A. Yes.

Q What ever interest he had in the firm always stood in the name of Moy Tong did it? A. Yes.

Q You want me to understand that Moy Tong has held an interest in your concern from the time he departed for China September 17th, 1898 until you re-organized your company July 24th, 1908, do you?

Testimony of MOY TUNG HOY, continued:

A Yes.

Q Whatever interest he had in the firm of Hip Lung stood in the name of Moy Tong all the time on your books? A. I am not positive as to the amount. It might have been \$1,000.00, but it all stood in the name of Moy Tong.

Q Did this applicant continue to hold his interest in your firm from the time he departed for China up to the time the firm was organized, under the name of Moy Tong? A. Yes.

Q His name has always appeared on the partnership list as Moy Tong as one of your members, has it? A. Yes.

Q As a matter of fact, when he went to China, didn't his interest in your firm cease? A. No sir.

Q You, as the General Manager of this concern, please explain why in all the partnership lists filed with this office Moy Tong's name does not appear. A. I do not know about those lists given to this office. All the lists were brought here by my nephew, but this man (referring to applicant) appeared on our books as a partner.

Q These lists were made out and sworn to by the manager of the firm, and if these are not correct in this instance, they would not be in any? A. If he didn't have his name in the list, he could have gotten his paper to go away.

Q We didn't have anything to do with his going away. He just simply went out and had his paper vised when he took the steamer. A. He has got another name of Moy Lung.

Q I have asked you repeatedly if his name appeared on the partnership lists the same as it appear on his application, and you stated it did. Now don't try to hedge and give some other name.

A. Perhaps at the time the paper was made up, he went by his boyhood name.

Q When you filed a partnership list in this office and swore to it, it is an authentic record of the members the way they appear on your books, doesn't it? A. Our books call for Moy Tong.

Q When you filed a list and swore to it, you were filing a copy of the names the way they appeared on your books, didn't you?

A. When the names were copied off our book by us or my nephew, a mistake might have been made in the name. We might have take the marriage name instead of the boyhood.

Q What is Moy Tong's other name? A. Moy Lung. Chinese books do not show Moy Lung. It only shows Moy Tong.

Q If one of your partners should copy a list of the members of your firm and bring it up here and swear to it as a certified copy of the list of your members, it would certainly be correct, wouldn't it? A. I cannot read and write English. Those lists were made up by my nephew Choon. If there was any mistake it was

made by him.

Q I will show you a list made on September 15th, 1905. (Holding out paper and pointing to name signed in ink) Whose signature is this to this list? A. That is my signature.

Q At the time you filed this list, you swore that it was a correct one, didn't you? A. Moy F. Choon made it out, and I brought it up to this office. Mr. Plummer then asked me to swear to it.

Q You swore to it as an authentic record? A. Yes. I thought it was all right.

Q You as the General Manager are responsible for the affairs of the firm? A. The only thing I cannot read English.

Q Who made up the list? A. My nephew, Moy F. Choon. He copied it off the books.

Q Didn't he read the names and talk to you about it? A. No.

Q You don't want me to believe that you would allow some subordinate to make out a list and then come up here with it and swear to it, without having had it read to you, don't you? A. It was all printed up. (typewritten)

Q Didn't he read it to you? A. No. Mark Foote printed it.

Q Some member of your firm must have furnished a list of the members. Mark Foote cannot read Chinese. A. He didn't furnish

Testimony of MOY TUNG HOY, continued:

the correct name of this party.

Q Suppose he had put in the name, Moy Lung instead of Moy Tong. You say there is only one Moy Lung in the firm and that he is this Moy Tong.

A. There is only one Moy Lung.

Q Well, this list dated September 19th, 1905 shows only one Moy Lung. You want me to believe that this is the same man?

A. I think that is the party.

Q Is there any other man in your concern that has the name of Moy Lung?

A. There is only one Moy Lung in the firm, the one back in China.

Q Moy Lung and Moy Tong are-----A (interrupting) It is not Moy Tong. It is Moy Tung.

Q Moy Tung and Moy Lung are identically the same party, are they?

A. Yes. He has \$800.00.

Q You are positive of that? A. Yes.

Q At the time you brought this list up to Mr. Plummer, he asked you where every one of these members were located, didn't he?

A. Yes.

Q You told him where every one of these members was, didn't you?

A. Yes.

Q Then how can you reconcile yourself to this? (Reading) "Moy Lung, location--in Chicago; occupation--unknown; interest--\$900.00."

A. Perhaps that you mean he was in China.

Q It means exactly what you said to Mr. Plummer. You said this man was in Chicago and that you didn't know what his occupation was?

A. I think I stated that he was in China. I know that he didn't have \$900.00. It was in the neighborhood of \$800.00.

Q As a matter of fact you are trying to switch Moy Lung for Moy Tung and the records are against it.

A. I am not trying to ring in anything.

Q Well, this list does not show Moy Tong or Moy Tung. A. His name appears as Moy Lung.

Q But Moy Lung has been shown in Chicago and his occupation is unknown.

A. Perhaps he didn't know where he was and put it down as in Chicago.

Q Well, I have another sworn list of the members of your firm dated October 15th, 1903. This does not show either Moy Tong or Moy Tung.

A. You must have Moy Lung.

Q Moy Lung is shown with an interest of \$900.00 in Chicago working in a laundry.

A. He has been in China ever since he left this country.

Q As a matter of fact, you have not been able to show satisfactorily this applicant's connection with your firm. Then you finally switched to Moy Lung who has been in the United States according to your sworn lists. Referring to your list of members filed September 15th, 1905, you stated that you didn't know that you were signing, that these names were not read to you, is that true?

A. When they were printed, I brought it up here, and I was asked to sign, so I signed it. Maybe a mistake was made in the pronunciation of Moy Tong and Moy Lung owing to the names being so much alike.

Q Didn't Mr. Plummer have all these names read to you through the interpreter and ask you where they were located and what interest they had?

A. Yes, he asked me, but it is so long I do not remember it.

Q Then when you signed these partnership lists, you knew what you were signing?

A. Yes, Aloy was the interpreter.

Q All those names were read to you? A. Yes.

Q And you swore to the list as being a correct list of your members?

A. Yes.

Q And in this list applicant's name does not appear? A. That is up to the Government.

Testimony of MOY TUNG HOY, continued:

Q It is not up to the Government. This list was read to you and then you swore to it and signed it, which showed that this applicant is not a bona fide member of your firm. Under your incorporation November 26th, 1907, this applicant's name does not appear. A. I did not get any word from, so I could not put it in then.

Q So he was not a member at that time? A. No.

Q Has he since joined that firm? A. Yes, in July.

Q Well please bring up your stock book.

(Witness departed and in about fifteen minutes returned with the stock book of the Hup Lung Ying Kee Company. Immediately upon his return the examination was resumed.)

Q This is your stock ^{book}, is it? A. Yes.

Q Under your last incorporation, this shows all the stock that has been issued? A. Yes.

Q Each man receipted for his portion, did he? A. Yes.

Q Each man is required to sign the stub in this book as a receipt for his stock, isn't he? A. Yes.

Q Did you sign for yours? A. Yes.

Q The stub shows it, don't it? A. Yes.

Q Has this book been in your possession since the firm was organized? A. Yes.

Q Isn't it possible for a person to buy stock in this concern and not take part in the business of the store, like in other corporations? A. Only the stock shown by the stubs can be sold.

Q A man can hold some of this stock and not be an active member in the store? A. Yes, there are only six persons engaged in the store.

Q Each man that got a certificate of stock receipted for it, didn't he? A. Yes.

Q Did Moy Tong sign a receipt for his stock? A. Yes. He is not here to look after his business.

Q Everybody that got stock receipted for it, did they? A. Yes. But those people who own that stock might sell it.

Q Your stock record does not show any transactions? A. No.

Q The presumption is that everybody that receipted for this stock still holds that amount of stock which he has receipted for? A. Yes.

Q Where does Moy Tong come in, then? A. He is a member of the firm.

Q Well, you have just testified that everyone who got stock receipted for it in person? A. He is in China.

Q You said that everyone that got stock receipted for it in person? A. Moy Tong's stub is there. He has \$500.00.

Q Well, he couldn't sign for the stock and be in China too. A. His brother wrote it for him.

Q I asked you if everyone who got stock signed for it in person, and you said yes. A. Everyone except him. There are people in Hong Kong who own stock. His brother signed it for him.

Q Have you understood the interpreter? A. Yes.

Q Have you anything else to offer in this case? A. All I have to offer here is that I want him to come back to Chicago so that he can come into the store and do some business.

Witness signed his testimony in Chinese.

(Signed) Moy Tung Hoy, Witness.

(Signed) Charley Kee, Interpreter.

(Signed) H. E. Tippet, Inspector.