

IMMIGRATION FILE

U. S. DEPARTMENT OF LABOR
IMMIGRATION SERVICE

No. 752

SUBJECT:

Form 430

APPLICATION OF ALLEGED AMERICAN-BORN CHINESE FOR PREINVESTIGATION OF STATUS

TRIPLICATE

Department of Commerce and Labor
IMMIGRATION SERVICE

Office of CHINESE INSPECTOR IN CHARGE,

Port of CHICAGO,

June 21, 1909

To L. T. Plummer
Chinese and Immigrant Inspector,
Chicago, Ill.

SIR: It being my intention to leave the United States on a temporary visit abroad, departing and returning through the Chinese port of entry of Portal N. D., I hereby apply, under the provisions of Rule 39 of the Chinese Regulations (Bureau Circular No. 25), for preinvestigation of my claimed status as an American citizen by birth, submitting herewith such documentary proofs (if any) as I possess, and agreeing to appear in your office personally, and to produce therein witnesses, for oral examination regarding the claim made by me.

This application is submitted in triplicate with my photograph attached to each copy, as required by said rule.

Respectfully,

Signature in Chinese 簽唐字名梅堂
Signature in English 簽番字名MOY HONG
具稟人之住址 297 So Clark St.



管理外人入口
委員知之現
欲暫離美國
遊外邦今由
人出入之港
來亦即由該
而回茲依三
九款之例在
國出世上有
憑據呈上查
亦親與證人
委員之公辦
詢問口供照
簽名稟上並
相三幅

Port of PORTAL, N. D.

JUN 24 1909

Respectfully returned to

L. T. Plummer
Chinese and Immigrant Inspector,

Chicago, Ill.

With the information that I am prepared, on the basis of the evidence submitted with the original of this application, to approve said application.

O. B. Holton

Officer in Charge.

Department of Commerce and Labor
IMMIGRATION SERVICE

OFFICE OF THE COMMISSIONER
SEATTLE, WASH.

RECEIVED
AUG 13 1910
Inspector in Charge,
CHICAGO, ILLINOIS.

Hum

No. 25,954.

August 9, 1910.

Inspector in Charge,
U.S. Immigration Service,
Chicago, Ill.

S i r:

Referring to your file No. 752, I have to report that Moy Hong, the Chinese referred to therein, arrived at this port yesterday on the S.S. "Princess Victoria", and that he was admitted on the same day as a returning American-Born Chinese.

Respectfully,

Ellis L. Miller
Commissioner.

HAM-TMS.

JMS

No. 752.

June 26th, 1909.

Moy Hong,

c/o Yuen High & Co.,

297 So. Clark St., Chicago.

Sir:-

I hand you herewith duplicate application for a pre-investigation of your status as an American-born Chinese, and would instruct you to exchange this for the original with the Chinese Inspector in Charge at Portal, North Dakota upon your departure through that port.

Respectfully,

(Signed) L. T. Plummer,

Chinese Inspector in Charge.

Inc.

Department of Commerce and Labor
IMMIGRATION SERVICE

OFFICE OF CHINESE INSPECTOR IN CHARGE
PORTAL, N. DAK.

No. 2804.

June 24, 1909.

Mr. L.T. Plummer,

Chinese Inspector in Charge,


Chicago, Ill.

Dear Sir:-

Receipt is respectfully acknowledged of your letter of the 22nd inst. No. 752, enclosing therewith all papers in the application of Ah Ong, alias Moy Hong, for pre-investigation of his status as a native.

I am returning herewith the duplicate and triplicate copies of form 480, and will deliver the original properly endorsed to applicant, upon his departure thru this port.

Respectfully,


Chinese Inspector in Charge.

T/a

Arriving Portal, July 10, 1909.

RECEIVED
JUN 26 1909
Chinese Inspector,
CHICAGO, ILLINOIS.

No. 752.

June 22nd, 1909.

Mr. O. B. Holton,
Chinese Inspector in Charge,
Portal, North Dakota.

Sir:-

I hand you herewith papers in the case of AH ONG, alias MOY HONG, an alleged American-born applicant for a preinvestigation of status.

Applicant presented a certified copy of the judgement rendered by U. S. Commissioner Benj. L. Wells, September 10th, 1906, in the case of MOY AH ONG, alias MOY HONG, discharging him from custody on the ground that he had a right to be and remain in the United States. A certified copy of the testimony taken in the case was also filed with this application and as you will notice the defense was based solely on the ground that the defendant was born in the United States. The certified copy of judgement was compared with the docket of Commissioner Wells and found to be genuine, and I compared the attached copy of the testimony with the copy forwarded to me by the Chinese Inspector in Charge at New York City and found it to be a true copy.

I have examined applicant upon his arrest and discharge and inclose a transcript of the notes taken.

In view of the fact that the only evidence introduced at the trial of the case was to the effect that this defendant was a native-born, I would recommend that applicant be permitted to depart from and return to the United States as a native.

Respectfully,

(Signed) L. T. Plummer.

Chinese Inspector in Charge.

No. 752.

522, Commercial National Bk. Bldg. CHICAGO

June 21st, 1909.

Case of : L. T. Plummer, Examining Inspector.
MOY HONG, : Charley Kee, Interpreter.
Native departing. : W. B. Calkins, Stenographer.

Applicant, MOY HONG, sworn by Inspector Plummer, testified:

Q What is your name? A. Moy Hong.
Q What other name have you? A. That is all the name I have.
Q Are you married? A. No.
Q Were you ever arrested and tried for being unlawfully in
the United States? A. Yes.
Q Where? A. Near Malone.
Q When was it? A. K.S. 32.
Q What month? A. Chinese date, 6th month.
Q How long were you in jail? A. Over three weeks.
Q How much over three weeks? A. Nearly four weeks.
Q What was the name of your lawyer? A. Harry.
Q Is Riley his name? A. I think so.
Q What kind of a looking man is the judge? A. A big person.
Q Smooth fave or did he have a mustache? A. He had a
mustache.
Q What was the name of your witness? A. Moy Ling.
Q What relation is he to you? A. An uncle of mine.
Q Where have you lived since you were discharged? A. I
came to Chicago.
Q Did you own a laundry here? A. I have run a laundry and
I have been working for some people.
Q Do you own a laundry now? A. I have not a laundry of
my own now.
Q Where was the last place you owned? A. Twelfth St. near
Kedzie Ave.
Q Did the judge give you a paper when you were discharged
up there in Malone? A. Yes.
Q Is that the paper? (Showing certificate attached to the
application) A. Yes.
Q Have you understood the interpreter? A. Yes.

Applicant signed his testimony in English & Chinese.

(Signed) Moy Hong, Applicant.



(Signed) L. T. Plummer, Inspector.

(Signed) Charley Kee, Interpreter.

Department of Commerce and Labor

BUREAU OF
IMMIGRATION AND NATURALIZATION

Washington

Am.
IN ANSWERING REFER TO

No. 52320/42.

June 16, 1909.

Chinese Inspector in Charge,

Chicago, Ill.

Sir:

In response to your letter of the 12th instant, No. 752, the Bureau returns the papers relating to the application of Ah Ong, alias Moy Hong, for preinvestigation of his status as a native-born under amended Rule 39.

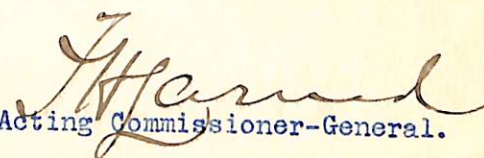
In cases of this nature, whether you shall regard the applicant as a native and furnish him with a return certificate of the character prescribed in Rule 39, or whether you shall consider him a domiciled laborer entitled to the ordinary laborer's return certificate, depends entirely upon whether you are satisfied from the evidence that, in deciding he was entitled to be and remain in the United States, the United States Commissioner whose certificate he holds determined as a matter of fact that the Chinaman was born in this country. In this instance the transcript of testimony forwarded from Malone shows that the defendant admitted that he was a Chinese person not a member of the classes exempted under the exclusion law, and that all the evidence produced tended to show that he was an American citizen by birth. It is thought, therefore, that in this case you would be justified in holding that the man's status as an American citizen has been adjudicated.

52320/42.

Chinese Inspector in Charge, Chicago -- 2.

In any case, however, in which you do not feel perfectly certain that the question of citizenship has been determined, you should require either that the Chinaman holding the discharge certificate shall qualify as a lawfully domiciled laborer or that he shall submit independent proofs of his claim to American birth.

Respectfully,


Acting Commissioner-General.

AWP/ARW
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Inclosure No. 3055.

RECEIVED
JUN 18 1909
Chinese Inspector,
CHICAGO, ILLINOIS.

Nos. 751 and 752.

June 12th, 1909.

Chinese Inspector in Charge,
New York City,
New York.

Sir:-

Your letters of June 9th, 1909, Nos. 2420/71 and 2420/72 returning certified copies of the judgments rendered by U. S. Commissioner Wells of Malone, New York in the cases of U. S. vs AN ONG, alias HOY HONG and U. S. vs YUNG MON SAY, alias AN TOY, are received.

In reply, I return herewith copy of the transcript of the evidence taken at these examinations, and would thank you very much for your kindness in the matter.

Respectfully,

(Signed) L. T. Plummer.

Chinese Inspector in Charge.

Inc.

(COPY)

UNITED STATES COMMISSIONER'S COURT,
NORTHERN DISTRICT OF NEW YORK.

UNITED STATES OF AMERICA
vs.
AH ONG, alias MOY HONG.

Before me, Benj. L. Wells, a Commissioner of the District Court of the United States within and for said district, complaint was presented by Geo. W. Ketcham, of Malone, N. Y., a Chinese Inspector, for said district, charging in substance that on or about the 31 day of July, 1906, at Rouses Point, N. Y., in said district, one AH ONG, in violation of the Chinese Exclusion Acts, statutes of the United States, did unlawfully come into and was found to be not lawfully in the United States, from the Dominion of Canada, and was then and there found in the United States, he being a chinese person and laborer and not a diplomat or other officer of the Chinese or any other government, and without producing the certificate required of Chinese persons seeking to enter the United States; and on the 1st day of August, 1906, said defendant was brought before me, the said Commissioner, and the proceedings adjourned from time to time, and upon a full hearing upon said charge, Hon. Henry E. Owen, the Assistant District Attorney of the United States of America being present, Hon. John B. Riley appearing for defendant.

I NOW HEREBY FIND AND ADJUDGE THAT THE SAID DEFENDANT, AH ONG, alias Moy Hong, was not guilty of said charge; and that he had a lawful right to be and remain in the United States.

AND I HEREBY ORDER AND DIRECT that said defendant be and he is hereby discharged.

I also certify that the photograph hereto annexed is a true likeness of said defendant.

***** Given under my hand and seal at Ma-
* ~~XXXXXXXXXX~~ * lone, in the Northern District of New
* (PHOTOGRAPH.) * York, this 10th day of September, 1906.
***** BENJ. L. WELLS,
* (SEAL.) * United States Commissioner
***** Northern District of New York.

UNITED STATES COMMISSIONER'S Court,) ss.
Northern District of New York.)

I, Benj. L. Wells, United States Commissioner for the Northern District of ~~XXXXXXXXXX~~ New York, do hereby certify that the within is a true copy of the judgment rendered in the within case on Sept. 10, 1906, and of the whole thereof.

BENJ. L. WELLS,
United States Commissioner
Dated at Malone, N. Y., Sep. 10, 1906. Northern District of New York.

(ENDORSEMENT)
Commissioner's Docket No. 494.
U. S. Marshal's No. 3588.

UNITED STATES
Commissioner's Court,
Northern District of New York.

UNITED STATES OF AMERICA,

vs.

AH ONG, alias MOY HONG.

Certified Copy.
J U D G M E N T
Discharging Defendant.

Benj. L. Wells,
U. S. Commissioner,
Northern District of New York,
Malone, N. Y.

The United States of America }
Northern District of Illinois. } Set:
Eastern Division

I, Mark A. Foote, United States Commissioner for the Northern District of Illinois, Do Hereby Certify that the foregoing is a true copy of a certain original paper this day produced to me, compared by, me, at my office in the City of Chicago, the division and district aforesaid.

I do further certify that the photograph affixed hereto and impressed with my official seal, while not made from the same photographic plate, is a true and faithful photographic copy of the photograph affixed to said original.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, at the City of Chicago aforesaid, this fourth day of May, A.D., nineteen hundred nine.

Mark A. Foote
U. S. Commissioner, N. D. Illinois.

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