

IMMIGRATION FILE

**U. S. DEPARTMENT OF LABOR
IMMIGRATION SERVICE**

No. 717

Form 430

APPLICATION OF ALLEGED AMERICAN-BORN CHINESE FOR PREINVESTIGATION F STATUS

TRIPPLICATE

Department of Commerce and Labor

IMMIGRATION SERVICE

Office of CHINESE INSPECTOR IN CHARGE
Port of **CHICAGO, ILL.**

Nov 27, 1908.

To L. C. Gunnar

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 Central No., 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,

金庸

Signature in Chinese
Signature in English
Address

金廣 廣
Kam Fong So. Club St
291
Chinatown
欲暫離美國出遊外邦今由華人出入之港
埠而去將來亦卽由該埠而回茲依三十九款之例在美國出世所有之憑據呈上查驗亦親與證人到委員之公辦房詢問口供照例簽名稟上並附相三幅

Port of

Pattal N.D.

Dec. 30, 1908

Respectfully returned to

ly returned to L T Plummer

Chinese and Immigrant Inspector.

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

OB Holton

Officer in Charge.

11-2847

Q. Don't you know your mother's name? A. I do not what she was called.

Q. What kind of feet did your mother have, natural or bound?
A. Natural feet.

Department of Commerce and Labor

IMMIGRATION SERVICE

OFFICE OF THE COMMISSIONER
SEATTLE, WASH.

HUM

No. 25,955.

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

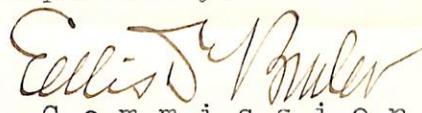
August 9, 1910.

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

Sir:

In order that your file No. 717 may be complete, I have to advise that Chinese Fong Kam arrived at this port August 8, 1910, on the S.S. "Princess Victoria", and that he was landed on the same day as a returning American-Born Chinese, domiciled at Chicago, Ill.

Respectfully,


Ellis J. Parker
Commissioner.



HAM-TMS.

No. 717.

January 2nd, 1909.

Fong Kam,

c/o Wah Ching Lung & Co.,
291 So. Clark St.,
Chicago, Ill.

Sir:-

I hand you herewith duplicate copy of your application
for a pre-investigation of your status as an American born Chinese,
and would instruct you to present the same to the Chinese Inspec-
tor in Charge at Portal, North Dakota, on your departure through
his port.

Respectfully,

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

Department of Commerce and Labor

IMMIGRATION SERVICE

OFFICE OF INSPECTOR IN CHARGE
PORTAL, N. DAK.

Dec. 30, 1903.

L. T. Plummer,
Chinese Inspector in Charge,
Chicago, Illinois.

Sir:

I am in receipt of your letter of 28th instant, No. 717, together with all papers in the case of FONG KAM, native, who requests a pre-investigation of his case before departure under Rule 39.

In view of the favorable report, I return herewith triplicate copy of application favorably endorsed, and the duplicate copy for delivery by you to applicant, so that he may identify himself at this port upon arrival.

Should applicant desire to leave on the "Monteagle", sailing Jan. 16th, he should be at this port on the morning of the 12th, and if on the "Empress of India" sailing Jan. 27th, he should be here by the morning of the 23rd.

Respectfully,

RECEIVED
JAN 2 1909
Chinese Inspector,
CHICAGO, ILLINOIS.

O.W. Holton
Chinese Inspector in Charge.

No. 717.

December 28th, 1908.

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

Sir:-

I hand you herewith papers in the case of FONG KAM, native who desires his case pre-investigated before departure from the United States in accordance with Rule 39.

This Chinaman presented a certified copy of the judgement of discharge in the case of United States vs Fong Kam, tried before U. S. Commissioner Fred W. Dudley, at Port Henry, New York, December 16th, 1905. This copy has been compared with the record on file at the office of the Commissioner and found to be genuine. In view of which, I would recommend that applicant be allowed to depart from and return to the United States as he requests.

Respectfully,

(Signed) L. T. Plummer.

Chinese Inspector in Charge.

W.M.

Department of Commerce and Labor

BUREAU OF
IMMIGRATION AND NATURALIZATION

Washington

December 16, 1908.

IN ANSWERING REFER TO

No. 52076/19

Chinese Inspector in Charge,
Chicago, Ill.

Sir:

The Bureau acknowledges the receipt of your letter of the 12th instant, No. 717, with which you transmit copy of the testimony taken in the case of Fong Kam at the time of his trial before a United States commissioner in December, 1905, and also of a statement made by this man at the present time, the discrepancies between the two statements being so glaring as to lead you to believe that the court was imposed upon at the time the claim of citizenship was adjudicated by the Commissioner, and request to be advised whether in view of the decision in the case of U.S. v. Lung Wing Wun, 161 F.R. 211, which holds that a United States commissioner is not authorized to decide questions of citizenship, you should have his status as a native determined in accordance with Bureau Circular No. 25, dated October 8, 1908.

The decision in the case of Lung Wing Wun should not be given any weight for the reason that the Supreme Court has decided

that a United States commissioner has authority to decide the question of citizenship. (See U.S. v. Wong Kim Ark, 169 U.S., 649; U.S. v. Chin Bak Kan, 186 U.S., 193.) The decision of the United States Commissioner in the case of Fong Kam must, therefore, be accepted as res adjudicata, and binding upon the Bureau.

Respectfully,

Wm J. Keefe
Commissioner-General
JH

FW/CAS

RECEIVED
DEC 18 1908
Chinese Inspector,
CHICAGO, ILLINOIS.

No. 717.

December 18th, 1908.

Commissioner-General of Immigration,

Department of Commerce and Labor,
Washington, D. C.

Sir:-

Bureau's letter No. 52076/19 of December 16th, 1908, in reply to mine of December 12th, in regard to what bearing the case of U.S. vs. Lung Wing Wun, 161 F.R.211, has upon the case of FONG KAM, discharged by a U. S. Commissioner as native born in December 1905, and whose testimony now would cause one to believe that the Commissioner had been imposed upon at that time, is received.

Will you please return the papers which were inclosed with my letter, in order that I may return the records of the Commissioner and forward a copy of the discharge with my report to the Inspector at the port of departure?

Respectfully,

(Signed) L. T. Plummer.

Chinese Inspector in Charge.

Entered in Official Mailing List

OFFICE OF CHINESE INSPECTOR IN CHARGE
IMMIGRATION SERVICE
CHICAGO, ILL.

RECORDED TO AGENT

Department of Commerce and Labor
IMMIGRATION SERVICE

OFFICE OF CHINESE INSPECTOR IN CHARGE
CHICAGO, ILL.

December 12th, 1908.

No. 7477
Commissioner-General of Immigration,

Department of Commerce and Labor,
Washington, D. C.

Sir:-

A Chinaman by the name of FONG KAM has made an application before me to have his status as a native pre-investigated in accordance with Bureau circular No. 25 of October 8th, 1908.

He presents a certified copy of the judgment rendered in the case of U. S. vs. Fong Kam by Fred W. Dudley, U. S. Commissioner at Port Henry, New York, December 16th, 1905, showing that he was discharged at that time on the ground that he was born in the United States. This certificate has been compared with the docket and found to be genuine and the photograph upon it is a facsimile of the photograph on the docket. The photograph attached to the certificate is without doubt that of the applicant Fong Kam. A copy of the testimony taken in this case before Commissioner Dudley was forwarded to me, and in comparing it with the statement made by the applicant in his testimony here, there are so many glaring discrepancies that I have no doubt that the court was imposed upon at the time this decision was rendered.

In view of the decision in the case of U. S. vs LUNG WING WUN, 161 Fed. Rep. 211, which holds that a United States Commissioner is only authorized to decide whether a Chinaman is lawfully within

12/12/08.

the United States and cannot decide the question of his citizenship, I am forwarding this case to the Bureau in order to learn for my future guidance, what the Bureau's attitude will be in cases of this kind. If the decision above referred to, is good law, it would seem that the decision of the Commissioner should have no weight in deciding whether we should issue to the Chinaman his papers under circular No. 25.

I inclose a transcript of the notes taken in the examination here and also a copy of the testimony taken in the case of U. S. vs Fong Kam at Port Henry, N.Y. December 2nd, 1905, in order that the Bureau may notice the great discrepancies in the testimony. Will you please return all the inclosed papers with your reply?

Respectfully,

(Signed) L. T. Plummer.

Chinese Inspector in Charge.

522, Commercial Nat'l. Bk. Bldg., CHICAGO

December 2nd, 1908.

Case of : H. E. Tippett, Examining Inspector.
 FONG KAM, : Charley Kee, Interpreter.
 Native departing. : W. B. Calkins, Stenographer.

Applicant, FONG KAM, sworn by Inspector Tippett, testified:

- 62016*
- Q What is your name? A. Fong Kam.
 Q How many names have? A. Only Fong Kam.
 Q Are you married? A. Yes.
 Q Haven't you got a marriage name? A. Fong Yin Gen.
 Q How old are you? A. Twenty-seven.
 Q What year were you born? A. I do not remember the year I was born.
 Q Do you remember what year and what month? A. Fourth month, 16th day.
 Q Where were you born? A. New York City.
 Q What place? A. I do not remember what place. My mother told me but I do not remember the place.
 Q Don't you remember where you were born? A. I only was told by my mother that I was born in New York.
 Q Didn't she tell at what street and at what number in New York? A. No.
 Q Were you ever in China? A. No sir.
 Q You have never been outside of the United States? A. No sir.
 Q You were born in New York City and have lived in this country ever since? A. Yes.
 Q How many years did you live in New York? A. New York, two weeks. Then I came here.
 Q You mean that when you were two weeks old, you were brought to Chicago? A. Yes.
 Q Well where have you been living all of the twenty-seven years? A. China.
 Q You just told me that you had never been to China? A. I came from China.
 Q I asked you if you had always been in the United States, and you said "Yes". Then I asked you where you had been for the last twenty-seven years, and you say, "In China". How do you explain that? A. I came here when I was twenty-four years old and have been here three years.
 Q Where did you come from when you were twenty-four years old? A. I took a steamship three years ago from China to Vancouver.
 Q When did you go to China? A. My mother told me I was little when I went back.
 Q Didn't she tell you how old you were when she returned to China? A. No.
 Q Then you went to China when you were a child in arms and stayed there until you were about twenty-four years old, did you? A. Yes, up to the time I was twenty-four years. Then I came back here.
 Q What is your father's name? A. Fong Look Dok.
 Q Is your father living? A. Not living.
 Q When did he die? A. K.S. 29th year.
 Q Where? A. In China.
 Q Has your father ever been in the United States? A. Yes.
 Q Where did he live? A. New York.
 Q What street and number? A. He didn't tell me.
 Q What was his business? A. I don't know.
 Q When did your father go to China? A. I was little then. I do not know when he went back.
 Q What is your mother's name? A. I do not know her name.
 Q Don't you know your mother's name? A. I do not what she was called.
 Q What kind of feet did your mother have, natural or bound? A. Natural feet.

Case of FONG KAM.

Testimony of applicant continued:

- Q Was your mother ever in the United States? A. Yes.
Q Is your mother living? A. She is dead.
Q When did she die? A. My father died a year before her.
Q Don't you know what year and what month and day, your mother died? A. Only that she died in the 30th year, K.S.
Q Did she die in China? A. Yes.
Q Were you there when she died? A. Yes.
Q Were you there when your father died? A. I was there.
Q When did your mother go to China from this country?
A. I was little. She didn't tell me when she went back.
Q After you went back to China, did you reside with your father and mother until their death? A. Yes, I buried them there. Then came here.
Q Didn't your father and mother tell you where you were born?
A. They told me I was born in New York.
Q Is that all they told you? A. Yes.
Q Didn't your father tell you what business he was in, in New York? A. No.
Q Have you any brothers? A. I have a brother.
Q What is his name? A. Chin Dong Yee.
Q Has he any other name? A. No.
Q What is your family name? A. Fong family.
Q Is this brother of yours, by the same father and the same mother as you? A. The same.
Q Is his family name Chin? A. Yes.
Q He couldn't be your brother and belong to the Chin family and you belong to the Fong family. A. He is my brother.
Q Do you belong to the Chin family or to the Fong family?
A. Fong.
Q This other man whom you say is your brother, is he a member of the Chin family or of the Fong family? A. I answered he was of Chin family. I forget.
Q You forget whether your own brother's family name is Chin or Fong? A. I remember Fong.
Q Is this man whom you call your brother of the same father and same mother which you have? A. He is my oldest brother, and belongs to the same father and mother.
Q Yet you give his family name as Chin and your family name as Fong? A. I forget.
Q Where was he born? A. New York.
Q When was he born? A. I do not know.
Q Where is he now? A. He used to be in New York, but I do not know where he is now. I have not had any correspondence with him for a long time.
Q Was he ever in China while you were there? A. Yes, he was there.
Q What year was he in China? A. I forgot what year.
Q Don't you know what year it was that your brother was in China? A. No.
Q Have you any sisters? A. No.
Q Did you only have one brother? A. Yes.
Q Has your father any brother in the United States? A. No. X
Q Did he ever have any brother in the United States? A. Never had any. Never came here.
Q When did come back from China? A. Christian date, 1905, first of May.
Q Where were you landed from the vessel? Came by way of Victoria, Vancouver.
Q Then, where did you go to? A. Then came to New York.
Q Where were you admitted to the United States? A. At Port Henry.
Q Is that where you were admitted to the United States?
A. Yes.

Case of FONG KAM.

Testimony of applicant, FONG KAM, continued:

Q Anybody else come with you at that time? A. Yes, there were some persons unknown to me.

Q Chinese boys? A. Yes.

Q Do you know their names? A. Didn't know any of them.

Q How many were there in that crowd when you came in the United States? A. Two or three on the same train.

Q Were you arrested? A. I went in the Custom House.

Q Where did you get on the train? A. I took the train at Vancouver for Port Henry.

Q Didn't you get off the train from the time you got on at Vancouver until you got off at Port Henry? A. I came direct from Vancouver to the Custom House.

Q How many days were you on the train, from the time that you got on at Vancouver until you got off at this Custom House that you speak of? A. A little over five days.

Q Didn't you stop any place in Canada, or did you come right through to the place where you say you got off in the United States? A. I say that I got on the train at Vancouver and came without a stop to Port Henry.

Q Didn't you change cars? A. No.

Q You stayed in the same car that you got into at Vancouver until you got to Port Henry, did you? A. I came direct.

Q Were you arrested when you were taken off the train and taken before the judge? A. The person took me to the Custom House.

Q Did they put you in jail? A. Yes.

Q How long did they keep you in jail? A. About three weeks.

Q Then were you tried before the judge? A. Yes.

Q Who was your lawyer? A. Willet.

Q Who was your witness? A. Chin Ock.

Q Where did he live? A. New York.

Q What street and number? A. He didn't tell me.

Q Did you have any other witness? A. That is all.

Q You only had one witness and his name was Chin Ock, is that right? A. Yes.

Q How old a man was he? A. I forgot how old he was.

Q Was he an older or a younger man than you? A. Older.

Q After he appear for you as a witness, did they let you go? A. Yes.

Q Then where did you go to? A. New York.

Q Whom did you to New York with? A. I went with Dong Yee to New York.

Q Who is Dong Yee? A. My brother.

Q Was he a witness for you? A. No, he was not my witness.

Q Was he at the trial? A. Yes.

Q And he didn't testify for you? A. He was present.

He is my brother, but he was not my witness.

Q Was Chin Ock your witness? A. Yes.

Q What relation is Chin Ock to you? A. He is my uncle on my mother's side.

Q You went with your brother adn Chin Ock to New York, did you? A. No, Chin Ock went before.

Q You went to New York with your brother? A. Yes.

Q Did you see Chin Ock at New York? A. Yes, I saw him. He went to work.

Q What did he do? A. I do not know what kind of work he was doing.

Q Where did you live in New York? A. In China street.

Q Don't you know the number? A. No.

Q Did you live with Chin Ock? A. No.

Q Did you live with your alleged brother? A. No.

Case of FONG KAM.

Testimony of applicant, FONG KAM, continued:

Q You lived by yourself? A. Yes.

Q Went down there with your brother, a stranger who had not been there for a number of years, and then went and lived by yourself? A. I lived with a friend of mine, but not with my brother.

Q What was your friend's name? A. I do not know his name.

Q He is your friend and do not know his name? A. He is a Chin, but I do not know his name.

Q Are you a Chin? A. I am a Fong.

Q You seem to have all your communications with Chins, not with Fongs. Tell me truly, what is your family name? A. Fong.

Q What family did your mother come from? A. My mother is of the Lee family.

Q Are you positive that your mother came from the Lee family? A. Yes.

Q Yet you claim that your mother's brother was from the Chin family? A. I have two mothers.

Q You have only one real mother and you tell me that she belonged to the Lee family. As a matter of fact, this paper never did belong to you, did it? (Referring to discharge paper which was submitted when applicant applied for a pre-investigation of his case. This paper was issued in the U. S. Commissioner's Court for the Northern District of New York at Port Henry, N. Y. in the case of U. S. vs FONG KAM, docket number 3449, and purports to be signed by Fred W. Dudley, U.S. Commissioner for the Northern District of New York.)

A. Yes, that is my paper.

Q Where did you get it? A. At Port Henry.

Q When did you get it? A. In 1905, I got it.

Q Was this paper given to you when you were discharged at Port Henry? A. Yes.

Q You got it right then and there? A. Yes.

Q Are you sure it was at Port Henry? A. Yes.

Q How much did you pay for it? A. No money.

Q Did Chin Ock pay something for this for you? A. I do not know.

Q Where did you have your photograph taken that you have on this paper? A. At the same town.

Q At Port Henry? A. Yes.

Q Were you on the witness stand at Port Henry and testified in your own behalf? A. Yes.

Q Did you tell the court then, where you were born? A. I told him that I was born in New York.

Q Did you tell him that Chin Ock was any relation to you? A. Yes.

Q Did you tell the judge where your father was? A. I told the judge my father was back in China.

Q Did you tell him the same as you have done to me here? A. I do not know whether I did or not.

Q Did you tell him that your brother was with you there in the court room at that time? A. Yes, my brother was present.

Q Did you tell him that your brother to the Chin family? And that you belonged to the Fong family? A. No, I did not.

Q Where do you reside now? A. At Wah Lung's, 291 So. Clark St.

Q When did you come to Chicago? A. I came to New York and stayed there two weeks. Then I came to Chicago.

Q Did you go to New York when you were discharged at Port Henry by the Commissioner and stayed there two weeks; and then came to Chicago? A. Yes.

Q And have you been in Chicago ever since? A. I went to a country town for a while.

Q Have you any blood relations in Chicago? A. No. I have some clan cousins here.

Case of Fong Kam.

Testimony of applicant, FONG KAM, continued:

- Q. When did you get this paper? (Referring to discharge paper)
A. In 1905.
Q. Do you know the name of the Commissioner that tried you?
A. Fred.
Q. Who told you his name was Fred? A. Some Chinamen did.
Q. Was he an old man or a young man? A. He was pretty near thirty.
Q. Did he have a beard or mustache? A. No.

Applicant signed his testimony in English & Chinese.

(Signed) Fong Kam,

Applicant.

金 廉

(Signed) Charley Kee,

Interpreter.

(Signed) H. E. Tippett,

Inspector.

UNITED STATES COMMISSIONER'S COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
Plaintiff)
against) Docket No. 3449.
FONG KAM,)
Defendant)

Before me, FRED W. DUDLEY, a United States Commissioner for the Northern District of New York, complaint was presented by Thomas D. Aucy, a Chinese Inspector charging in substance that on or about the 24th day of November, 1905 near Rouses Point, New York, in said district, one FONG KAM in violation of the Chinese Exclusion Acts, statutes of the United States, did unlawfully come into the United States from the Dominion of Canada, and was found unlawfully within the United States in said district, 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 24th day of November, 1905, said defendant was brought before me, the said Commissioner, and the proceedings were adjourned from time to time, and upon a full hearing on said charge, Hon. N. E. Owen for the United States, being present and the defendant being represented by R. M. Moore, Esq., his attorney, and it satisfactorily appearing to me from the testimony of the witness on behalf of said defendant, that the said defendant FONG KAM, was born in the United States of America, of parents permanently domiciled and lawfully within the United States at the time of his birth, residing therein, and that the said FONG KAM is a native born citizen of the United States, IT WAS ADJUDGED BY ME on the 16th day of December, 1905, that the said defendant FONG KAM was not guilty of said charge, that he had a lawful right to be and remain within the United States, and is accordingly hereby discharged.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and affixed my seal at Port Henry, in the Northern district of New York, this 16th day of December, 1905.

(Signed) Fred W. Dudley,
United States Commissioner,
Northern District of New York.

UNITED STATES OF AMERICA }
NORTHERN DISTRICT OF NEW YORK, } SS.



I, Fred W. Dudley, a United States Commissioner for the Northern District of New York, do hereby certify that the foregoing is a true copy of the judgment rendered in the above entitled case on the 16th day of December, 1905, and of the whole thereof.

In testimony whereof, I have hereunto signed my name officially, and affixed my seal at Port Henry, in said district this 16th day of December, 1905.

(Signed) Fred W. Dudley,

United States Commissioner,
Northern District of New York.

State of Illinois, }
County of Cook. } SS.

Chicago, Ill. Dec. 28th, 1908.

UNITED STATES OF AMERICA, }
NORTHERN DISTRICT OF ILLINOIS. }

I hereby certify that the above is a true copy of the judgement of discharge issued by Fred W. Dudley, United States Commissioner for the Northern District of New York, at Port Henry, New York, December 16th, 1905, in the case of United States vs FONG KAM.

*Witness my hand and official seal at Chicago
in said division and District, this 28th day of
December, A.D. 1908.*

Mark A. Foote,
United States Commissioner
for the Northern District of Illinois,