

Memoranda in the case of Kong Lum, and data concerning the firm of which he claims to be amamber.

Firm of Kong Sing & Co., first called, officially, to my attention in June, 1897, when Kong Ah Sing, the now head of firm was applying for admission at San Francisco. It was stated by the witnesses to Kong Ah Sing's papers that he was the proprietor of said company, and after said Kong Ah Sing was admitted he came to my office and told me that he was the proprietor of the same. Did not know nor did I understand that there were any other members in said company, at that time.

It appears that in July, 1898, one Kong Wing applied for admission to the United States at Pembina, N.D., at which time C.A. Stone was the Chinese Inspector, and Mr. Stone, after investigation, made the following report concerning Kong Wing on July 11, 1898:

"In the case of Kong Wing I find, upon making thorough investigation, that the people that he is reported to have been associated with in business are running a Chinese laundry located in the rear of 31 E. Forty, third St., and not at 31-1/2 as stated in his certificate. There is a small store on one side of the room, which, in my judgment, is only a blind and to mislead. The persons who signed Kong Wing's certificate Messrs. Jones and Allison, both tell me that Kong Wing is a merchant, and on the other hand persons who are connected with the missionary Sunday School that these Chinamen attend do not know whether it is a laundry or a store but from my observation, and from what I could learn, it is more of a laundry than a grocery, and in my opinion he is not entitled to re-enter the United States."

It appears that Inspector Stone made an additional report upon the certificate of Kong Wing (Above named) on Aug., 10, 1898, as follows:

"I herewith submit the affidavits of Miss Alicia Allen and Mr. C.A. McCarthy, in the matter of Kong Wing, who claim to have done business

at 31-1/2 E. 43rd Street. The affidavits set forth the fact that these people knew Kong Wing some time previous to his departure from the States to China. Kong Lun claims that he owns the laundry located at 31-1/2 43rd Street, and that he has no partner; that Kong Wing is in no wise interested with him. On the other hand he says that Kong Wing has a stock of Chinese groceries and teas amounting in all to about \$500.00 that he has on sale in his, Kong Lun's, laundry. I asked him (Kong Lun) why he didn't tell me this when I was down there a few weeks ago looking up the matter of Kong Wing. He excused himself by saying that he didn't think it was necessary, that he knew Kong Wing to be a merchant and thought he had a right to be admitted without so many questions being asked relative to the matter."

Stone  
It appears that again in March, 1899, Inspector investigated and reported upon the certificate of one Wong Yun, who was then applying for admission at Pembina, N.D., as an alleged member of this same company, and the report dated March 23, 1899, is as follows:-

"I find upon investigating the case of Wong Yun, located at 31-1/2 E. 43rd St., that he is a laundryman, with a very slight semblance of a store located in the left hand corner of the store as you enter from the Street."

The case of Wong Yun (Above named) was appealed to the Department in June, ~~xxxxxx~~ May, 1899, and on June 28, 1899, I made a report upon the appeal, in substance as follows:-

Kong Ah Sing, the manager, stated at that time that there were three members in his company, viz, Wong Yun, Hong Ming and himself; that a laundry was located in the room with the tea store from the fall of 1897 up to May 1, 1899, at which time it was moved up stairs; that his store, or company, had nothing to do with the laundry. Upon examination of the premises at 31-1/2 at that time I found a small Chinese tea store in

the basement, which in my judgment contained not more than \$400.00 worth of goods and fixtures, and on the first floor there was a regular Chinese laundry in which they seemed to do quite a business. The laundry and store were connected in the rear of the two rooms by a substantial stairway and an electric bell rang in the laundry upon entering the tea store, and I was informed by the real estate agent for the building, J.C. Shearer & Co., 4255 Cottage Grove Ave., that Kong Ah Sing, alone, signed the lease and paid the rent for each floor. The appearances at that time indicated, decidedly, that the laundry was the principal business conducted at the address named.

The next investigation of the affairs of this company was in April 1901, at which time one Kong Ming was applying for admission at Peking, and I at that time called at the place of business and found Kong Ah Sing, the manager, actually at work in the laundry. The conditions surrounding the firm were almost identically the same as they were on my previous investigation only that the tea store was less prosperous looking than on the former occasion, judging from the accumulation of dust and dirt, and there was no one in said store at the time. I also saw Kong Ah Sing bringing in soiled clothes during the time of this investigation.

The above named Chinaman (Kong Ming) crossed the line at Portal, some time later and was arrested and taken to Fargo, N.D., and deposition were taken in Chicago regarding him in September, 1901, and a Miss Alicia Allen, 4232 Oakenwald Ave., was called as a witness in his behalf and she testified, in substance as follows; relating to the laundry:-

"That there was never any laundry, to my knowledge, previous to the fall of 1897. Times were very hard in 1897 and they said the tea business was not a grand success, and this Kong lung came to me and

wanted permission to put in tubs. I told him there was no room. He said of course there was no room unless they could have the store room. Kong Sing was in China and this Kong Ming was in possession, but the nephew he was there too. At the time that Kong Sing was in China there were two of them there. The young fellow Kong Lung wanted to know if they ~~could~~ might put in tubs. I said "No". He then said they would have to give up the building because it was not doing well - the business was not paying; that the decision was afterward reconsidered and the laundry was put in in the fall of 1897; that to the best of my knowledge, in the fall of 1897 they put up a lot of white signs, and then put up the name of Kong Lung, after the laundry was started; that the laundry was first put in the basement, with the tea store, and was later moved to the first floor in May 1, 1899; that Kong Sing and Kong Ming were brothers and Kong Lung was their nephew. The tea business was run by Kong Sing and Kong Ming, because previous to 1897 I never had and dealings with Kong Lung.

Miss Olivia Allen, a sister of the above named, testified, that, she thought Kong Lung managed the laundry.

Mr. Campbell Allison, a witness in the case of Kong Ming, testified that all he knew about Kong Ming being a member of the firm was what he was told by Kong Ming and Kong Sing that they were the owners.

The above named person (Kong Ming) was later tried in the District Court at Fargo and was admitted. I called at 31-1/2 E. 43rd Street on the 6th instant and found the said Kong Ming at work in the laundry on the first floor of said premises.

While it is claimed that the tea store and laundry are run separately, yet I have not visited the place during the last two or three years without seeing Kong Ah Sing, the alleged head of the so-called

firm, either at work in the laundry or bringing in soiled clothes, and from personal observation the stock of goods has not materially increased or decreased during the time I have known of the firm, and from my general knowledge of the value of Chinese goods I do not believe that there has been to exceed \$400.00 worth of goods in the place since I have known it, and this in my judgment is a very liberal estimate. I never heard of Kong Lum until the time he applied for admission at Pembina, although, as will be seen, I have called at the place of business at different times and secured a list of the names of the alleged members.



United States Attorney,

District of Minnesota,

No. \_\_\_\_\_  
QUOTE FILE NUMBER.

St. Paul, April 3, 1902,

F. W. Berkshire, Esq.,  
Chinese Inspector,  
Chicago, Ill.

Dear Sir:-

Kong Lum claiming to be a Chicago merchant and a partner in the business of Kong Sing & Company, 31 1/2 E. 43rd., St., Chicago, Illinois, has been arrested and brought before Commissioner Charles L. Spencer, in this City for trial on the charge of unlawfully entering the United States. He presented to the collector at Portal, North Dakota, duly authenticated affidavits of Matthew McCarthy and Campbell Allison of Chicago, <sup>to</sup> through the effect that he had been a merchant for more than a year prior to his departure in 1899, and the United States Courts of this District having held that such affidavits or certificates makes a prima facie case in his favor and puts the burden on the Government to rebut such affidavits.

We desire therefore to take the depositions of such witnesses as can be procured in Chicago, if any, to show that Kong Lum was not a merchant. I have arranged to take the depositions of such witnesses as may be procured before United States Commissioner, Wert E. Humphrey, at his office, at Ten o'clock on Saturday, the 5th., inst., and have been instructed by the Department of Justice to have *you* procure the attendance of such

F. W. B. -2-

witnesses as the Government may need and can get at that time and place.

If you will give the names and addresses of the witnesses to Commissioner Wert E. Humphrey, Room 701, No. 115 Dearborn St., he will issue subpoenas, and have the Marshall subpoena them.

Yours truly,

*Fred. N. Dickson*  
Ass't. U. S. District Attorney.



Office of  
Special Agent Treasury Department,

St. Paul, Minnesota,

May 13, 1902.

Mr. F.W.Berkshire,  
Chinese Inspector,  
Chicago, Ills.

Sir:-

Further replying to your letter of the 6th instant, relating to the case of the United States vs Kong Lum, I have to state that the U.S. Commissioner at this city before whom the case was tried decided that Kong Lum was entitled to admission and he was released.

Respectfully,

  
Special Agent,

P.O. Box 345